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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Safety and security of humanitarian personnel and protection of United Nations personnel

Report of the Secretary-General

Summary

The General Assembly, in its resolution 63/138, requested the Secretary-General to submit to it at its sixty-fourth session a comprehensive and updated report on the safety and security of humanitarian personnel and protection of United Nations personnel, and on the implementation of the resolution. The present report provides updates on the safety and security of humanitarian and United Nations personnel over the past year and on the efforts of the Department of Safety and Security to implement the recommendations of the Assembly contained in resolution 63/138 which fall under the responsibility of the Department.

The present report outlines the threats against the safety and security of United Nations and humanitarian personnel over the past year as well as an update on the measures taken to mainstream and move towards strengthened and enhanced system-wide security management.

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I. Introduction

1. In its resolution 63/138, the General Assembly requested the Secretary-General to submit to it, at its sixty-fourth session, a report on the safety and security of humanitarian personnel and protection of United Nations personnel, and on the implementation of that resolution. The reporting period is from 1 July 2008 to 30 June 2009.

II. Security challenges and threats against United Nations and humanitarian personnel

2. United Nations and humanitarian personnel continued to face deteriorating security conditions in many locations, which hindered their ability to deliver life-saving programmes. The trend described in previous reports of a lack of respect for the emblems and efforts of humanitarian organizations continued unabated. During the reporting period, United Nations and humanitarian personnel were subjected to collateral damage during situations of open conflict and increasingly were the targets of attacks by extremists, armed groups and disenfranchised elements in multiple areas of operation, a situation further exacerbated by a disinformation campaign undertaken by extremists urging violence against humanitarians. Against this stark background, the United Nations continued the programme of security reform initiated with the establishment of the Department of Safety and Security. This effort is guided by the findings of the Independent Panel on Safety and Security of United Nations Personnel and Premises Worldwide and subsequent recommendations, findings and additional review efforts. Guided by these findings and principles, the Department is working to enhance the capacity and capability of the Organization to operate in increasingly difficult environments, with the understanding that there can be no programme without security and no security without adequate resources.

3. The terrorist attack on the United Nations offices in Hargeisa, Somalia on 29 October 2008, which killed two United Nations staff and wounded six others; and two incidents of protracted abduction of senior United Nations officials, was clear evidence of the effectiveness of extremists' global call to arms against United Nations and humanitarian personnel. In addition, on 9 June 2009, two United Nations international staff members were indiscriminately killed during a suicide bomb attack on the Pearl Continental Hotel in Peshawar, Pakistan. With the expansion of extremist media outreach, local grievances are now acted out in the name of international extremist groups, necessitating enhanced security measures globally at considerable cost in terms of effort and resources.

4. Terrorist threats to the United Nations are not a new phenomenon. Numerous opportunistic factions have engaged in anti-United Nations propaganda since the Organization's inception. Historically, such propaganda has been intermittent and transitory; however, the propaganda campaign against the United Nations initiated by notorious terrorist groups in 1998 evolved into a 2006 declaration that the Organization is a part of a global international conspiracy. In 2007, international terrorism expanded its anti-United Nations propaganda campaign to include the humanitarian work of its agencies, funds and programmes and other non-governmental organizations (NGOs). These sentiments contributed to the

increase in hostilities against United Nations and humanitarian personnel in areas where such arguments have gained leverage as justification for violent action. The widespread increase in targeted attacks is evidence that low-level extremist groups have been indoctrinated by this orchestrated campaign and now view relief workers as legitimate targets.

5. Where extremist threats are less acute, other security and safety challenges must be addressed. Often United Nations and humanitarian personnel face the same threats as the civilian populations they seek to assist. United Nations and humanitarian personnel were subjected to collateral and direct attacks, harassment, violent public protests, banditry and criminality in areas of conflict and post-conflict environments, as well as in countries with economic, political and social unrest. Abduction and hostage-taking, whether politically, economically or criminally motivated, continued unabated during the reporting period, compelling in some cases a large-scale and protracted hostage incident management response requiring extraordinary investment of time and resources. In areas where there were no direct attacks or targeting of humanitarian workers, theft, harassment and intimidation remained a serious concern.

6. Increased challenges to the United Nations security management system worldwide compelled an extensive review of operating procedures during the reporting period driven by the need to expand and sustain operations, particularly in conflict or post-conflict areas, while maintaining the highest possible levels of staff and operational safety. A reinforced common framework for security risk management and a new, threat-focused concept for a security level system will aim to maintain an effective United Nations presence even in situations of extreme insecurity. However, resources and new strategic tools are urgently required to further keep pace with evolving security situations.

7. During the reporting period, the number of deaths of United Nations civilian personnel[1] as a result of acts of violence increased to a total number of 27. During the previous reporting period the total number of 23 deaths included the loss of 17 staff from the attack in Algiers. Out of the 27 deaths, 11 occurred in Africa (including 8 in Somalia and 1 each in the Democratic Republic of the Congo, Kenya and the Sudan); 7 in the Middle East (in Israel, West Bank and Gaza); 5 in the Americas (4 in Haiti and one in Colombia); and 4 in Asia and the Pacific (3 in Pakistan and 1 in Afghanistan).[2] The annex to the present report contains a list of United Nations personnel who lost their lives as a result of acts of violence. During the reporting period, seven United Nations staff, two international and five national staff died as a result of an aviation accident in the Democratic Republic of the Congo.

8. United Nations nationally recruited staff remain highly vulnerable and account for the majority of casualties and victims. Out of the total number of 27 deaths, 25 were United Nations nationally recruited staff. Most of these staff held positions as drivers, security guards or relief distribution monitors, positions which required them to be on the front line in areas of conflict. In some instances, national staff lost their lives while performing critical roles in maintaining operations in areas deemed

[1] The United Nations has a security responsibility towards over 100,000 staff members and an estimated 300,000 eligible dependants.

[2] The information is based on reports of United Nations designated officials for security in 159 countries.

too dangerous for international staff, where they served as operations managers or local security assistants. Attacks on such staff threatened to disrupt and limit the impact of life-saving relief operations.

9. As a consequence of their employment with the United Nations and their specific functions, national staff were threatened and intimidated in Afghanistan, Pakistan, Somalia and the Sudan. Furthermore, these national staff are extremely vulnerable during non-working hours as a result of social or familial ties which entail greater exposure. Although extended hazard pay has been provided where applicable, further measures are needed for staff who are likely to be at higher risk owing to their function in the United Nations operating in highly dangerous areas (e.g., handling cash or dealing with sensitive issues). Additional security-awareness training for national staff is ongoing at all locations.

10. During the reporting period, there were 273 attacks,[3] 505 harassment and intimidation cases, 654 robberies, 258 physical assaults and 131 hijackings. There were 208 arrests reported against United Nations personnel and dependants by State actors and 50 cases of detention by non-State actors. There were 89 forced entries and occupations of United Nations offices and 628 residential break-ins.

11. According to information provided by designated officials[4] during the reporting period, the majority of security incidents[5] against United Nations and NGO personnel occurred in the African region (2,030 United Nations and 755 NGO incidents) followed by the Middle East region (1,172, including United Nations and NGO incidents) and the Asia Pacific region (638 United Nations and 335 NGO incidents).

12. The Department of Safety and Security continued to receive many accounts from designated officials of security incidents against NGOs, international organizations and inter-governmental bodies, though reporting was sporadic and incomplete as NGOs are not required to submit these accounts to the United Nations. During the reporting period, 36 deaths of international and national staff of NGOs resulting from acts of violence were noted, including 12 in Somalia, 7 in Afghanistan, 3 in both Mali and the Sudan, 2 each in the Democratic Republic of the Congo, Pakistan and Papua New Guinea and 1 each in Benin, Ethiopia, Haiti, Mauritania and Senegal. Other incidents against NGO personnel included 109 attacks, 37 cases of detention by State authorities and 70 incidents of unlawful detention by non-State actors, 70 incidents of assault, 187 incidents of harassment, and 59 incidents of forced entry or occupation of premises, 257 armed robberies, 134 incidents of vehicle hijacking, 135 residential break-ins and 164 cases of major theft.[6]

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[3] These include "attacks" on premises, installations and convoys resulting or not resulting in death and/or injuries.

[4] The most senior United Nations official responsible for the security of all United Nations staff, dependants and property in his or her area of assignment.

[5] These include attacks, murders, arrests and detention by State and non-State actors, physical assaults, harassment and intimidation, forced entries or office occupations, missing persons, robberies, hijackings and residential break-ins against United Nations personnel.

[6] The above number of incidents against NGO personnel who work as implementing partners and contribute to United Nations operations is indicative. However, the trend of violence towards relief workers shows the increased threat levels in complex emergencies.

13. Violent acts against United Nations and humanitarian personnel in conflict and post-conflict areas continued, as evidenced in Afghanistan, Colombia, Somalia and the Sudan.

14. Afghanistan presents one of the most dangerous security environments in which the United Nations operates. The Safety and Security Section supports the activities of over 24 United Nations entities, with over 1,000 international and 5,000 national staff who provide a wide range of humanitarian and development activities under the United Nations Assistance Mission in Afghanistan (UNAMA) mandate. The activities supported by the security structure include governance, electoral support, food distribution and human rights, and assistance in the health, education, shelter, water, sanitation, infrastructure rehabilitation and many other sectors. While most staff members are located in Kabul, a United Nations presence, with commensurate security support, has been established in over 20 locations outside the capital, 7 of which were established with the assistance of the Safety and Security Section of UNAMA over the past two years. Constant security risk assessments and appropriate mitigation measures are applied to over 1,000 missions per month throughout the country, including destinations in very high-risk areas. Timely, programme-oriented security risk assessments are conducted in concert with programme planning to optimize safe and effective delivery. However, despite this activity, 2008 was the worst year ever regarding incidents (91) against the United Nations in Afghanistan, and there is a clear trend of escalating violence thus far in 2009.

15. Colombia is another complex and high-risk security environment in which the United Nations currently operates. A 50-year-long active insurgency involving several illegal armed groups, drug cultivation and associated illicit activities, relatively high rates of criminality and natural disasters of all types require effective and well-crafted security programmes. United Nations security staff support the activities of 25 United Nations system organizations comprising 180 international and 1,500 national staff working in 54 United Nations field offices in 22 distinct locations. Including recognized dependants, the total exceeds 3,000 people. The Department of Safety and Security has an international presence in the capital and in five regional offices, and a national presence in two satellite offices, with four more planned this year. The United Nations system conducts an average of 300 field missions daily in such diverse programmes as comprehensive support to more than 3 million internally displaced persons, illicit crop-eradication monitoring and crop-substitution activities, human rights, programmes against the recruitment of child soldiers, and delivery of HIV/AIDS programmes. There is heavy emphasis on landmine activities in Colombia, which has the highest rate of new victims worldwide and poses a risk to United Nations staff and operations as well as to the local populace. Appropriate measures for risk mitigation, which include an extensive information-gathering and analytical capability, and close cooperation with all relevant actors permit the United Nations system to carry out activities with about one third of its missions conducted in environments considered to be high risk. The security team in Colombia developed a robust and effective training programme which prepares staff to work in such environments and enables mandate implementation; the same support is offered to NGOs, international organizations and implementing partners.

16. The operational and security environment in Somalia is unique, in that no other operation of the United Nations is conducted under such extreme security

conditions. The local capacity to respond to emergencies and security incidents is virtually non-existent, and it is normally impossible to ensure required protection measures, medical support and other basic infrastructure for United Nations operations. The assistance of international peacekeeping forces is limited to the capacity of the African Union Mission in Somalia (AMISOM) in Mogadishu. While the humanitarian crisis is considered the worst in the country since 1993, threats against the United Nations escalated in 2008, which required a rapid adjustment of security arrangements. Eight United Nations national staff were killed in violent acts between June 2008 and January 2009, more than 10 were seriously injured, 3 staff members were abducted for lengthy periods and 1 has remained missing since June 2008. The United Nations Development Programme (UNDP) office in Hargeisa was the target of a suicide bomb attack in October 2008, and six other offices were attacked or looted during the reporting period. Despite increasingly direct and lethal threats, United Nations security personnel[7] were able to mitigate risks to some extent by adapting security arrangements and cooperating on security with the Government, AMISOM, local clan administrations and even insurgents. Several hostage incidents were resolved with the help of local interlocutors from all sides of the political spectrum. This permitted the continuation of most critical humanitarian programmes which assist some 3.2 million people, about 43 per cent of the population. United Nations missions to Mogadishu, which were suspended in 2008, resumed in March 2009, and regular missions are fielded with the objective of eventually establishing a United Nations office in Mogadishu to allow for more effective political engagement as well as enhanced humanitarian capabilities.

17. In the Sudan,[8] a common security management system of the United Nations supported more than 9,000 United Nations personnel in a wide array of programmatic activities carried out by agencies, funds and programmes, NGOs, and other implementing partners throughout the country.

18. In the United Nations Mission in the Sudan (UNMIS), notable security support activities include milestones of the Comprehensive Peace Agreement process, such as the disarmament, demobilization and reintegration campaign, and the future conduct of country-wide elections. Both efforts involved a mixture of United Nations organizations, and required the establishment of additional United Nations offices throughout the country, including areas where the United Nations presence to date has been limited, or non-existent. Recently, in collaboration with national authorities, the Department of Safety and Security supported the conduct of multiple assessments of all of these areas. The result of this work, as reviewed by the country security management team, will be to enable the delivery of critical programmes, while maintaining the security of United Nations civilian personnel.

19. In Southern Sudan, bordering the Democratic Republic of the Congo and the Central African Republic, deadly attacks continued in Central and Western Equatoria. Since late 2008, over 65,000 people have been displaced and more than 25,000 people have entered Southern Sudan from the Democratic Republic of the Congo as refugees. The United Nations has responded with an operation involving six United Nations system agencies and many NGOs. More than 2,000 people have died in inter-tribal violence since the beginning of 2009 in Jonglei, Warrap, Lakes

[7] Includes Department of Safety and Security and the agencies, funds and programmes security personnel.

[8] Including Darfur.

and in the three Equatoria states. UNMIS security information support was provided for all United Nations and NGO humanitarian interventions assisting more than 135,000 displaced people across Southern Sudan through large humanitarian operations in highly volatile areas which were difficult to access. All together, the United Nations and its partners, with the security support of the Department of Safety and Security field personnel, are implementing 27 life-saving interventions delivering multisectoral humanitarian assistance programmes worth more than $200 million and which target more than 250,000 beneficiaries in eight Southern Sudanese states.

20. In the African Union-United Nations Hybrid Operation in Darfur (UNAMID), despite challenges, the Security Section enabled and supported various types of operations in Darfur, such as conducting 127 critical assessment missions, establishing three new sub-offices and supporting massive emergency life-saving programmes providing more than 2.3 million civilians with critical services ranging from food, water, sanitation, vaccinations and shelter. The challenges faced by the Security Section on a daily basis are (a) a limited number of security staff; (b) a security situation characterized by fragmented conflict between the Sudanese Government and rebel factions; (c) an ever-increasing number of splinter groups of rebel movements; and (d) a complex political and security environment consequent upon the International Criminal Court indictment of the sitting (Sudanese) President, and cases of abductions and kidnappings of NGO humanitarian staff, as well as carjackings and robberies.

III. Respect for the human rights, privileges and immunities of United Nations and other personnel

21. The United Nations security management system is based on the fundamental principle that the primary responsibility for the security and protection of staff members, their dependants and property and the Organization's property rests with the host Government. In that connection, the General Assembly, in paragraph 14 of its resolution 63/138, requested the Secretary-General to take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, and also requested the Secretary-General to seek the inclusion, in negotiations of headquarters and other mission agreements concerning United Nations and associated personnel, of the applicable conditions contained in the Convention on the Privileges and Immunities of the United Nations (hereinafter the "General Convention"), the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel (hereinafter the "United Nations Safety of Personnel Convention").

22. In this regard, it has been the long-established practice of the United Nations to include provisions of the General Convention as well as other clauses on the obligation of the host Government to provide safety and security to the United Nations and its personnel in host country agreements concluded by the United Nations. Furthermore, status-of-forces agreements recently concluded, as well as those under negotiation, by the United Nations include references to the General Convention and the United Nations Safety of Personnel Convention.

23. In addition, United Nations senior officials continued to discuss with Member States issues relating, inter alia, to the human rights, privileges and immunities and the safety and security of United Nations personnel, and to seek their support in improving the operational environment.

24. Certain Governments continue to impede the import, deployment and use of communications and other equipment essential to the safety and security of United Nations operations and its personnel in contravention of the international legal instruments referred to above. These restrictions can have a serious, adverse effect on the United Nations and its ability to deliver on its mandate. In specific instances where the efforts of the United Nations country team proved unsuccessful, United Nations senior officials contacted Permanent Representatives directly to assist in the situation.

25. The Secretary-General hopes that Governments will, in accordance with paragraph 15 of the General Assembly resolution 63/138, cooperate with the United Nations in the timely conclusion of host country agreements, including status-of-forces agreements, containing adequate provisions on safety and security of the United Nations and its personnel, including key provisions of the General Convention and the United Nations Safety of Personnel Convention.

IV. Arrest and detention

26. In the reporting period, a number of United Nations personnel were arrested or detained, and for whom the United Nations was unable to exercise its right of protection. This totalled 25 cases and 1 staff member reported missing in Eritrea and 1 staff member in Somalia.

V. Collaboration and cooperation on security measures

Security collaboration between the United Nations and host Governments

27. In its resolution 63/138, the General Assembly welcomed the ongoing efforts of the Secretary-General to further enhance the security management system and invited the United Nations and, as appropriate, other humanitarian organizations working closely with host Governments to further strengthen the analysis of threats to their safety and security. By doing so, it was hoped that this would help the management of security risk by facilitating informed decisions on the maintenance of an effective presence in the field and enhance security collaboration with host Governments for the purpose of contributing to staff safety and security, including efforts to support United Nations designated officials with regard to collaboration with host Government authorities. The United Nations has been active in improving practical arrangements to address security concerns and actions to be taken by the host Governments.

28. Accordingly, the Inter-Agency Security Management Network[9] advocated that each duty station should have a designated official ad interim from a list of two

[9] United Nations security management mechanism, comprised of agencies, funds and programmes

pre-designated agency, fund or programme representatives of the country team or the security management team to assume immediate responsibility for the duties of the designated official in the event that the incumbent is absent or is unexpectedly unable to perform those duties, thereby assuring continuity in security decision-making.

29. Additionally, the Department of Safety and Security headquarters units, as well as the Department's field security personnel, have redoubled efforts to improve liaison with host country security elements to gain more timely and effective information to enable United Nations programmes to continue in difficult security environments.

VI. Measures taken to ensure a more effective United Nations security management system

30. Pursuant to the report of the Independent Panel on Safety and Security of United Nations Personnel and Premises Worldwide, the Secretary-General requested the High-Level Committee on Management to undertake a detailed review of the recommendations contained in the report and to prepare actionable recommendations and options for a more effective United Nations system-wide security management system. In response to that request, a Steering Committee was established, chaired by the Under-Secretary-General for Field Support, with the participation of the Department of Safety and Security and representatives at the highest level of the United Nations System Chief Executives Board for Coordination member organizations.

31. In line with the new approach and vision, the Department seeks to promote three key principles: "how to stay", "no programme without security" and "no security without resources", which reflects a shift in security culture throughout the United Nations system by (a) mainstreaming security management; and (b) continuing various initiatives such as providing security training and a safety-awareness campaign; enhancing critical incident stress management; improving security information management; adopting a new framework for threat and risk analysis; developing crisis management capacity; and extending security arrangements for field missions.

A. Mainstreaming of the security management system

32. The safety and security of United Nations staff is and must be an integral part of all activities; it is imperative to enhance the safety of United Nations personnel who work under increasingly difficult and dangerous conditions facing armed conflicts, terrorism, hostage-taking, kidnapping, banditry, harassment and intimidation.

33. Since the establishment of the Department of Safety and Security, considerable progress has been achieved in the establishment of a unified and strengthened security management system based on the fundamental principle of the host

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and departments, which discusses and considers security policies and issues of the United Nations security management system.

country's responsibility for the safety and security of the staff and the mandate of standardized application of agreed security policies at the country level, with adequate operational support and oversight to the security management system in order to enable the safest and most efficient conduct of the programmes and activities of the United Nations.

34. The Chief Executives Board adopted a statement urging Member States to fully uphold their responsibilities as host Governments by recognizing the evolving security environment in which United Nations system staff must operate and ensuring that adequate mitigation measures are taken to protect staff from identified threats (see CEB/2009/1, annex).

35. The Chief Executives Board also called on Member States to support core resource needs for the United Nations security management system at a level sufficient to match the new reality, as well as to ensure that United Nations system organizations are provided with appropriate and sustainable funding for security to enable them to execute their mandates safely and effectively.

36. The growth of hostile intent towards the United Nations, sophisticated attacks against its personnel, premises and assets and the fact that the United Nations must operate in complex conflict zones underscore the great challenge to continue delivering essential and critical mandates and programmes. This is unfortunately often necessary where the host country is least able to provide the requisite security for United Nations humanitarian operations, or even for its own citizens. Given this new paradigm in the security management system, it is critical to implement well-designed, effective and timely security programmes throughout a decentralized United Nations system.

37. Key recommendations as part of a comprehensive plan leading towards a strengthened and enhanced system-wide security management system are:

(a) A fundamental shift in culture and mindset in the United Nations from "when to leave" to "how to stay", working closely with host Governments and local communities to understand risk and manage it, through a new approach to security risk management;

(b) A greater focus on the safety and security of national staff;

(c) The establishment of the Executive Group on Security, chaired by the Under-Secretary-General of the Department of Safety and Security, to facilitate rapid decision-making capacity in the event of an impasse or situations that could lead to death or serious injury;

(d) The introduction of a new, threat-focused concept for a security level system;

(e) The development of a United Nations policy and guidelines for estate safety and security;

(f) The reaffirmation of the responsibility of Member States with respect to the safety and security of United Nations staff, both as host Governments and as providers of the necessary, increased financial resources, at a level sufficient to match the new needs.

38. The efforts of the Department of Safety and Security to mainstream security management at all levels and implement a plan for a strengthened and enhanced

United Nations system-wide security management system received critical support from the Chief Executives Board and the High-Level Committee on Management throughout the reporting period. Equally important, the heads of agencies, funds and programmes also recognize the need for effective security and support the Secretary-General and the Department in enhancing United Nations security capabilities.

39. In promoting an organizational culture of accountability for staff security, the Department continued to work closely with United Nations system organizations and Secretariat departments to increase awareness of management responsibility for all actors in the United Nations security management system. A revision to the current Framework for Accountability will reflect the responsibilities and accountabilities for circumstances where United Nations personnel work in insecure areas that require mitigation measures beyond those which the host Government can reasonably be expected to provide. In addition, the Chief Executives Board recommended that all departments and agencies, funds and programmes participating in the United Nations security management system develop an internal framework for accountability, documenting individual roles, responsibilities and accountability related to safety and security (see CEB/2009/ALCM/18). As the United Nations inevitably continues to operate under insecure conditions, there was also a call to focus on enhancing the United Nations capacity on risk management, to find a better balance between identified risks and programme benefits.

40. Regarding nationally recruited staff safety in the United Nations system, through the High-Level Committee on Management Steering Committee work was undertaken at the inter-agency level to develop proposals for improving security measures for national staff. The current measures in place for such staff in crisis situations were reviewed, and information and lessons learned from the past 15 years were examined to illustrate the most persistent problems, define the broadest range of responses and highlight the most critical policy issues that needed to be addressed, not only in the context of security crises, but also with respect to the growing severity of natural disasters and their effects on operations and staff.

B. Initiatives of the Department of Safety and Security

41. The Department continued to give priority to initiatives that sought to provide maximum support to the field. It initiated a "Designated Official Global Review" headquarters meeting to monitor the deployment, training and support mechanisms for designated officials. The decision to train all designated officials ad interim added a significant new training requirement which the Department addressed through the establishment of an e-learning package covering core issues, prior to face-to-face follow-up training. The Critical Incident Stress Management Unit supported 1,796 staff affected by critical incidents, provided technical advice to the Crisis Operations Group involved in hostage-taking incidents, including those in the Niger, Somalia and Pakistan, and provided professional support to the staff members' families concerned. In total, the Department's counsellors supported 10,276 individuals in 20 countries, including counselling 3,601 individuals.

42. Throughout the year, the Department provided secure access to security-related information, and the number of registered users of the Department's website has grown from 68,000 to 102,000, indicating a growing awareness of security on

the part of staff members. Some 28,000 security clearance requests were processed monthly for operations worldwide through the integrated security clearance and tracking system. However, adequate tracking remains a challenge, and is dependent on staff members accurately using the tool provided. The Department's Crisis Coordination Centre was activated to deal with multiple crisis situations, including the successful resolution of abductions in the Niger and Pakistan.

43. In response to a request by the Special Committee on Peacekeeping Operations in 2007, a policy was developed that allows heads of mission to place individually deployed military and police officers, who are not covered by force protection arrangements, under the provisions of the United Nations security management system. As part of the effort to encourage greater coherence in all aspects of United Nations security management, heads of military and police components of peacekeeping operations now serve as members of the security management team in support of the designated official.

44. During the reporting period, the Department of Safety and Security adopted a revised strategic vision that describes a modern, professional security department which provides a clearly delineated range of policies, including guidance and operational support for designated officials and security management teams as the principal security managers in the field. This implies not only the provision of adequate security backup from Headquarters across the full range of issues confronting officials in the field, but also implies effective oversight of implementation to ensure accountability. This requires the Department to balance strategic oversight with the provision of deployable additional resources when a local situation demands further support.

45. In situations where the Department's resources are insufficient, it is incumbent on the Department to identify a means of prioritizing remaining resources so that it is still capable of responding in the event of additional, unforeseen operational requirements. This, in turn, means that the Department must be able to take advantage of support from the whole United Nations security management system, including, when necessary, executive heads of agencies, funds and programmes, to ensure the optimum use of their security resources in pursuit of common objectives, notably in vulnerable locations where United Nations operations are subject to elevated threats.

VII. Conformity with operating standards

46. The United Nations endeavours to ensure that United Nations staff members are properly informed about the risks associated with their deployment, as well as compliance with minimum operating security standards.

47. The Department of Safety and Security Policy, Planning and Coordination Unit continued to review all existing policies, procedures and guidance, and made a number of recommendations for a common and strengthened United Nations security management system. Through cooperation and consultation with the Inter-Agency Security Management Network, streamlined minimum operating security standards were established, which now apply a single system throughout the United Nations security management system, making no distinction between headquarters, field or missions. Minimum operating security standards are the

primary mechanism for managing and mitigating the security risk based on security risk assessments.

48. The Department of Safety and Security Compliance, Evaluation and Monitoring Unit conducted 14 compliance visits (10 in the previous period) to increase conformity with all United Nations security policies, including minimum operating security standards. While compliance levels varied among those evaluated, on a scale of 1 to 5, the average compliance rate was 3.37, compared to 3.59 in the previous year, and the average minimum operating security standards compliance was 80 per cent, compared to 83 per cent in the previous year. The Department does not view the slight decrease in compliance and minimum operating security standards averages as a significant deficiency during this reporting period, as the Unit visited some of the more challenging duty stations. The Unit proposed 350 recommendations for improving compliance with security policies in various offices.

49. To assist United Nations country teams in carrying out standardized and systematic evaluations, the Department continued to refine its procedures for assessing compliance, and continued to develop the compliance information management system to ensure a standardized approach, transparency and easy access to compliance information for the United Nations common system.

VIII. Security collaboration between the United Nations and non-governmental organizations

50. During the reporting period, the Department of Safety and Security continued to promote the "Saving Lives Together" framework for the United Nations and NGO/international organization/intergovernmental organization, security collaboration, with the primary focus on the development of a network of security-conscious NGO/international organization/intergovernmental organizations committed to information exchange and the sharing of best practices in security management. In 2006, the Department established an extrabudgetary-funded NGO Liaison Unit to further relations with the humanitarian community. Although donor contributions were not sufficient to support numerous field missions or an international Saving Lives Together conference as fully envisaged in the concept of operations, there were considerable achievements, particularly in terms of enhanced engagement on Saving Lives Together from the humanitarian community. As guided by the General Assembly, the Department's efforts to collaborate with NGOs were funded by extrabudgetary voluntary contributions.

51. The significance of the Department's network with NGOs cannot be overemphasized, as it serves as a constant coordination mechanism. Every day, the NGO Liaison Unit collects and disseminates essential security information to and from some 50 dedicated global security focal points. This outreach is unrivalled in the United Nations system, as no other United Nations entity provides such an inclusive, virtually around-the-clock network to implementing partners. As such, the Department fostered an effective and much-needed dialogue between the United Nations and other crisis responders on security matters, and will continue to reinforce these mechanisms.

52. Although the plan for extensive field work was deferred owing to a lack of funds, a mission to Afghanistan was undertaken in November 2008 with the Office for the Coordination of Humanitarian Affairs. This established a blueprint for

enhanced security collaboration between the humanitarian community and UNAMA. The NGO Liaison Unit also contributed to the development of numerous United Nations/NGO security collaboration projects for inclusion in consolidated and/or flash appeals in such locations as Ethiopia, Pakistan, and Sri Lanka. Simultaneously, the Unit provided concrete advice on Saving Lives Together implementation to some 50 designated officials during the year. The Unit played a significant role in support to NGOs experiencing hostage-taking and kidnapping incidents.

53. A great deal of time and energy went into the maintenance of an important Saving Lives Together initiative based in Darfur, where the Department of Safety and Security field security officers were deployed specifically to meet the needs of NGOs. The project faced significant recruitment difficulties; with additional donor support, however, a group of officers was identified and is under recruitment. It is anticipated that the project will be fully operational by fall 2009. At this juncture, it appears as if the project has garnered donor support at levels sufficient to cover the entire project budget for 2009 and the first quarter of 2010. As a result of the recent achievements in terms of promoting the culture of Saving Lives Together, there is a great likelihood that objectives will be realized in the coming year.

54. Among the security reform initiatives, the Inter-Agency Standing Committee established a Steering Group on Security supported by the Department, with a particular focus on Saving Lives Together, inter alia, to explore further collaboration on security in support of humanitarian activities from the risk management perspective. It is expected to provide closer dialogue between all humanitarian actors on risk management to maximize access to populations in need and minimize risk to staff, assets and beneficiaries.

IX. Observations and recommendations

55. **I am deeply concerned by the increased number of security incidents against United Nations personnel and humanitarian personnel, and I am deeply disturbed by the trend of politically or criminally motivated targeting of humanitarian workers, which is most evident in Somalia, the Sudan and Haiti.**

56. **United Nations personnel are regularly confronted with threats from armed conflict, terrorism, kidnapping, harassment, banditry and intimidation, and they are asked to work under extremely difficult circumstances. I continue to be gravely concerned about the apparent rise in deliberate targeting of humanitarian and United Nations personnel, and their increased vulnerability worldwide. Owing to their particular circumstances, locally recruited personnel remain highly vulnerable and they must be supported accordingly.**

57. **I am profoundly distressed by the number of lost lives during the reporting period, 63 United Nations and humanitarian personnel deaths as a result of acts of violence.**

58. **As part of an ongoing review for a strengthened and enhanced security management system, I will further encourage the United Nations system to take steps at the highest level to address the recommendations of the Chief Executives Board as priorities, in particular, to work closely with host Governments and local communities, and with reaffirmation of the**

responsibility of Member States with respect to the safety and security of United Nations staff, as host Governments and as providers of the necessary, increased financial resources to match the needs.

59. **While not abrogating the responsibility of host Governments, it is recognized that the United Nations must, at times, operate in areas where the host Governments' capacities are limited. In the light of the high expectations of the international community on the United Nations, I call upon Member States to recognize and support the need to further enhance United Nations security structures and implement sound, well-designed security policies and programmes to allow the United Nations to deliver its mandate in such situations.**

60. **I call for concerted actions throughout the system to understand the threats facing staff and operations by addressing the multifaceted vulnerabilities and put emphasis on appropriate and timely mitigation measures.**

61. **I am encouraged by the vigour with which the humanitarian community has embraced the Saving Lives Together framework for United Nations and NGO/international organization/intergovernmental organization security collaboration, and I call upon Member States as both hosts and donors to provide full support to this important security initiative. Moreover, I encourage the further development of such collaboration to ensure that the United Nations partners obtain full benefit from advances in United Nations security procedures, programmes and risk analysis efforts.**

62. **The Department of Safety and Security will intensify efforts (a) to implement and maintain a modern and flexible information management capacity in support of its analytical and operational requirements; and (b) to introduce and utilize flexible methods to enable operations based on security risk assessments.**

63. **I call upon Member States to support the Department's new strategic vision in recognition that the unified security structure must implement sound, well-designed and valuable security programmes and policies throughout a decentralized security management system. A common and fully coordinated Framework for Accountability will provide realistic guidance on each security role and responsibility, which will be utilized in all United Nations operations and programmes.**

64. **The Department will provide a clearly delineated range of policies and operational support for designated officials and security management teams, and, when resources are depleted or there are unforeseen operational requirements, the Department shall be able to deploy surge capacities.**

65. **On behalf of all United Nations staff members, I wish to express my deep appreciation to the Member States for their continued support to the Department of Safety and Security, and I am optimistic that a pragmatic approach to safety and security issues will further strengthen the security management system.**

66. **On behalf of the United Nations, I wish to express my deep condolences to the families of all United Nations and humanitarian personnel who lost their**

lives in the line of duty, and I highly commend those who continue to work under challenging and perilous conditions.

67. **I wish to recommend that the General Assembly remain seized of this issue and continue its support to the United Nations security management system.**

Annex

United Nations civilian personnel who lost their lives as a result of acts of violence during the reporting period (1 July 2008-30 June 2009)

No.	*Name*	*Nationality/organization*	*Place and date of incident*	*Type of incident*
1	Osman Ali Ahmed	Somali/UNDP	Moghadishu, 6 July 2008	Gunshot wounds
2	Abdulkadir Diad Madker	Somali/WFP	Wajid, Somalia, 15 August 2008	Gunshot wounds during vehicle hijacking
3	Azizullah Almos	Afghan/UNAMA	Kandahar Province, Afghanistan, 14 September 2008	Suicidal vehicle-borne improvised explosive device (VBIED) attack
4	Pesto Philip Ngere	Sudanese/UNDP	Wau, Sudan, 16 September 2008	Ambushed
5	Daniel Bastien	Haitian/WFP	Cap Haitien, Haiti, 29 September 2008	Murder
6	Abdinasir Adan Muse	Somali/WFP	Merka, Somalia, 17 October 2008	Gunshot wounds
7	Muktar Hassan Mohammed	Somali/UNICEF	Bakool region, Somalia, 19 October 2008	Gunshot
8	Mohammed Geele	Somali/Department of Safety and Security	Hargeisa, Somalia, 29 October 2008	Suicidal VBIED attack
9	Said Hashi	Somali/UNOPS	Hargeisa, Somalia, 29 October 2008	Suicidal VBIED attack
10	Jean Loubert Dion	Haitian/FAO	Les Cayes, Haiti, 6 November 2008	Gunshot wounds
11	Didace Namujimbo	Congolese/MONUC	Bukavu, Democratic Republic of the Congo, 21 November 2008	Gunshot wounds
12	Yaser Ahmad El Shaer	Palestinian/UNRWA	Gaza, 27 December 2008	Military hostile
13	Yahya Mohd Sulaiman Abu Nimer	Palestinian/UNRWA	Gaza, 29 December 2008	Military hostile
14	Arafa Hani A Dayem	Palestinian/UNRWA	Beit Lahia, Gaza, 4 January 2009	Missile strike
15	Samir Rashid Mohammad	Palestinian/UNRWA	Gaza, 5 January 2009	Gunshots wounds
16	Ibrahim Hussein Duale	Somali/WFP	Gedo region, Somalia, 6 January 2009	Assassination
17	Omar Moallim Mohamed	Somali/WFP	Dayniile District, Somalia, 8 January 2009	Gunshot wounds

No	*Name*	*Nationality/organization*	*Place and date of incident*	*Type of incident*
18	Maather Mohammad Abu Zneid	Palestinian/UNRWA	Gaza, 8 January 2009	Military hostile
19	Iyad Mohd Syiam	Palestinian/UNRWA	Gaza, 15 January 2009	Military hostile
20	Mohammad Ismail Siyam	Palestinian/UNRWA	Gaza, 15 January 2009	Military hostile
21	Jean Marie Pierre	Haitian/MINUSTAH	Petion Ville, Haiti, 25 January 2009	Stab
22	Sied Mohammed Hashim Raza	Pakistani/UNHCR	Quetta, Pakistan, 2 February 2009	Gunshot wounds during hostage taking
23	Theodore Lovansky	Haitian/MINUSTAH	Port au Prince, 7 March 2009	Murder
24	Peter Muchai Mungai	Kenyan/UNON	Gachie, Kenya, 17 April 2009	Gunshot wounds
25	Perseveranda So	Filipino/UNICEF	Peshawar, Pakistan, 9 June 2009	Suicidal VBIED attack
26	Aleksandar Vorkapic	Serbian/UNHCR	Peshawar, Pakistan, 9 June 2009	Suicidal VBIED attack
27	Carlos Alberto Cardenas	Colombian/UNODC	Colombia, 24 June 2009	Gunshot wounds

Note: FAO — Food and Agriculture Organization of the United Nations
MINUSTAH — United Nations Stabilization Mission in Haiti
MONUC — United Nations Mission in the Democratic Republic of the Congo
UNAMA — United Nations Assistance Mission in Afghanistan
UNDP — United Nations Development Programme
UNDSS — United Nations Department of Safety and Security
UNHCR — Office of the United Nations High Commissioner for Refugees
UNICEF — United Nations Children's Fund
UNODC — United Nations Office on Drugs and Crime
UNON — United Nations Office at Nairobi
UNOPS — United Nations Office for Project Services
UNRWA — United Nations Relief and Works Agency for Palestine Refugees in the Near East
WFP — World Food Programme

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Towards global partnerships

Enhanced cooperation between the United Nations and all relevant partners, in particular the private sector

Report of the Secretary-General**

Summary

The United Nations has increasingly engaged the private sector as a partner in helping to achieve the goals of the Organization, particularly the Millennium Development Goals. Over the past decade, private sector partnerships have become a common and increasingly sophisticated mechanism across the system for addressing priority challenges. In response to resolutions of the General Assembly, most recently resolution 62/211, steady efforts have been made — across the system and at the level of agencies, funds and programmes — to build a robust approach for engaging in effective, sustainable and transparent partnerships. The revised Guidelines on Cooperation between the United Nations and the Business Community, now called the Guidelines on Cooperation between the United Nations and the Private Sector, and the new UN and Business website are key milestones.

The United Nations is well-positioned to bring private sector engagement to the next level and significantly enhance its contribution to the goals of the Organization. To this end, efforts are needed to develop a more strategic and coherent approach to partner selection and engagement, integrate small companies and those from low-income countries, align global partnerships with country development agendas, build an enabling framework for partnerships, build capacity of staff, enhance mechanisms to share best practices and improve evaluation and impact assessment. Caretaking of the United Nations-business relationship is required to ensure that appropriate support and focus are provided to implement these recommendations, undertake a new process to continuously assess and improve the value proposition of partnerships and ensure maximum alignment with the priority goals set by Member States. Continued and increased engagement by Governments would enable the Organization to better define strategic goals with the private sector.

* A/64/150.

** The present report was submitted late due to additional technical and substantive consultations.

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I. Introduction

1. The present report is submitted in compliance with General Assembly resolution 62/211, in which the Assembly requested the Secretary-General to submit a report at its sixty-fourth session on the implementation of the proposed modalities for enhanced cooperation between the United Nations and all relevant partners, in particular the private sector.

2. Four previous reports of the Secretary-General have dealt with cooperation between the United Nations and relevant partners (A/56/323, A/58/227, A/60/214 and A/62/341). The present report builds on these reports and takes stock of recent partnership developments and trends in the relationship between the Organization and the private sector.[1]

3. In resolution 62/211, the General Assembly stressed that cooperation between the United Nations and the private sector could make concrete contributions to the realization of the internationally agreed goals, particularly the Millennium Development Goals. It called upon the international community to continue to promote multi-stakeholder approaches to addressing the challenges of poverty and development in the context of globalization, and encouraged the United Nations system to continue to develop a common and systematic approach to partnerships, which places greater emphasis on impact, transparency, accountability and sustainability.

4. Having passed the halfway point to the 2015 deadline for achieving the Millennium Development Goals, it is clear that, despite the progress made to date, the international community must make additional and strengthened efforts to reach these goals. With multiple crises challenging the world, the international community is now struggling with not only the financial crisis and the resulting economic crisis, but also soaring local food prices and the threat of climate change. Tackling these challenges requires an increased commitment by public entities, civil society and the private sector, thereby making cooperation more relevant than ever. The renewed call for values and principles in business in the wake of the financial and economic crisis has resulted in continued strong and growing private sector engagement in support of the goals of the United Nations.

5. There is significant evidence that the United Nations is continuing to strengthen system-wide engagement with the private sector and that the period of experimentation is in a closing stage. While the level and effectiveness of partnerships still vary greatly across the Organization, many agencies, funds and programmes have become more sophisticated in their partnership approach, including by undertaking more strategic development processes and building in impact assessment mechanisms. While fund-raising remains an important objective for working with the private sector, a growing number of partnerships are also mobilizing core business competencies and fostering private sector development. Overall, staff acceptance and support for partnerships as a means to help implement internationally agreed goals has increased.

[1] The present report draws on several sources: surveys of 16 Governments, 38 United Nations agencies, funds and programmes, and 17 businesses (conducted and verified by a consulting firm); in-depth interviews with staff members across the entire United Nations system (22) and members of the business sector (21); case studies; and review of the relevant academic literature on the subject.

6. In recent years, the Organization has taken steps to enhance the effectiveness of partnerships and uphold the integrity of the United Nations. Notably, through the recently revised "Guidelines on Cooperation between the United Nations and the Business Community", now called the "Guidelines on Cooperation between the United Nations and the Private Sector", a more coherent system-wide approach is emerging and a framework to facilitate relations with the private sector has been enumerated. Critical efforts have also been made to improve the exchange of lessons among agencies, funds and programmes, particularly through the development of a new United Nations and Business website.

7. Despite advances, several challenges — new and old — require increased attention and action. These include rigorous and systematic evaluation of partnership impacts, adaptation to new economic realities, alignment of global partnerships with country development agendas, and involvement of small and medium-sized enterprises and companies from low-income countries in partnerships. Further steps are needed to optimize both the engagement of the United Nations in private sector partnerships and the benefits they generate.

II. Understanding partnerships

8. Partnerships are voluntary and collaborative relationships between various parties, both public and non-public, in which all participants agree to work together to achieve a common purpose or undertake a specific task, and to share risks, responsibilities, resources and benefits. This definition encompasses an enormous variety of partnerships, including international coalitions, community-based initiatives, time-bound projects, broad value-based frameworks for action, individual company commitments and multi-stakeholder initiatives.

9. Partnerships address all Millennium Development Goals, with Goal 1 (eradicating extreme poverty and hunger), Goal 3 (promoting gender equality and empowering women) and Goal 7 (ensuring environmental sustainability) often receiving more attention. In addition to the Millennium Development Goals, many partnerships focus on humanitarian aid by addressing natural disasters or conflict-related emergencies.

10. The private sector engages in partnerships in different ways, including by enhancing the sustainability of their core business operations and value chains, providing social investments and philanthropic contributions, and participating in advocacy activities, policy dialogue and institutional framework development.

11. In core business partnerships, partners collaborate to create employment, foster entrepreneurship, contribute to economic growth, generate tax revenues, implement social, environmental or ethical standards, and provide appropriate and affordable goods and services.

Box 1

Examples of partnerships enhancing core business operations and value chains

E-Commerce and renewable energy (eCARE)

Many rural communities in Ghana lack access to communication services. The e-Commerce and Renewable Energy (eCARE) project seeks to overcome these obstacles by establishing rural business centres that provide access to telephone and Internet services powered by solar energy. The project is a joint effort of the United Nations Foundation, the United Nations Environment Programme (UNEP), a local non-governmental organization (NGO) and a Ghanaian telecommunications company. Local entrepreneurs own and operate the business centres and eCARE project partners support entrepreneurs with seed money, technical assistance and training.

International Fund for Agriculture and Development organic, fair trade cocoa production programme

The organic, fair trade cocoa production programme seeks to alleviate poverty by raising the incomes of smallholder farmers in Sao Tome and Principe. The International Fund for Agricultural Development (IFAD) and a private investor encourage farmers to produce organic cocoa to be sold under international fair trade labels. Farmers receive support from a French organic chocolate producer to transition from producing medium-quality unprocessed cocoa beans to high-quality dried cocoa. With production volumes increasing, and being paid a premium for their organic and fair trade products, some farmers have doubled their incomes.

MicroStart pilot project

To support private sector development in Asia, the United Nations Development Programme (UNDP) partnered with 14 international public and private organizations to create a microfinance system enabling long-term borrowing for low-income groups. In 1997, the MicroStart project was initiated in Mongolia with a budget of $2.1 million. Its approach combines loans with technical assistance, poverty prevention programmes and capacity-building. The resulting local microfinance institution quickly became financially independent and had high repayment rates. The microfinance institution has approximately 230,000 customers and has created 900 full-time and 300 part-time jobs.

Global Partners for Emergency Communications Initiative

In February 2008, a global telecommunications provider, the United Nations Foundation and the World Food Programme (WFP) established this initiative to increase the efficiency and coordination of emergency communications by standardizing information and communication technology (ICT) solutions in emergencies, as well as by expanding the pool of trained experts and standby partners ready for deployment and enabling the immediate dispatch of ICT responders. Over 60 ICT experts

participated in the first-ever ICT Emergency Preparedness and Response Management session and will pass on expertise to some 500 people. Training participants include representatives from the United Nations, NGOs and Governments.

12. In social investment and philanthropy partnerships, the private sector provides different types of support, including traditional philanthropy, social venture funds, hybrid or blended-value financing mechanisms, employee volunteers and expertise, product donations and other in kind contributions.

Box 2
Social investment and philanthropy partnerships

Plumpy'nut

Plumpy'nut is a ready-to-eat, peanut-based therapeutic food that has proven effective in alleviating child malnutrition in Ethiopia, with recovery rates for severely undernourished children as high as 95 per cent. To increase the availability and decrease the cost of Plumpy'nut, a private donor provided $1.3 million, in partnership with the United Nations Children's Fund (UNICEF) and a local factory, to establish a factory to increase production of Plumpy'nut and its supply to therapeutic feeding units throughout Ethiopia.

Educating the children of Darfur

A global auditing and consulting services organization donated more than $4 million to the Office of the United Nations High Commissioner for Refugees (UNHCR) to build and equip 32 schools in eastern Chad for more than 20,000 children who fled the conflict in Darfur. Teacher-training and youth activities are also crucial components of the project. Due to the success of the project, the company has set up an ongoing internal communications mechanism to explain its results and impact. Additional fund-raising for the project is planned and staff will be involved in its implementation by visiting the camps and helping to deliver education.

13. In advocacy and awareness-raising partnerships, the private sector partners with other stakeholders to advocate for issues; engage in public policy dialogue; support effective regulation; and strengthen public institutions and administrative capacity in order to bridge governance gaps, improve the enabling environment and support reforms at the local, national and global levels.

Box 3

Advocacy and awareness-raising partnerships

Strategic HIV/AIDS Responses in Enterprises programme

The International Labour Organization (ILO) entered into a partnership with the Government of China, international and Chinese media companies and NGOs to prevent the spread of HIV/AIDS at a Chinese mining company. High levels of drug abuse and prostitution, combined with extremely low levels of awareness among miners, led to high rates of HIV/AIDS in the company. A communication strategy was developed to inform miners about HIV/AIDS, and the company established a centre providing counselling and antiretroviral therapy. The company also ended mandatory testing and now guarantees employment rights for HIV-positive workers.

Refrigerants, Naturally!

Refrigerants, Naturally! is a not-for-profit initiative of six global companies committed to combating climate change and ozone layer depletion by substituting harmful fluorinated gases with natural refrigerants and reducing the energy consumption of new refrigerators. Partners support a positive regulatory and political framework for investment in climate-friendly technologies. The initiative is registered with the Commission on Sustainable Development and supported by a major NGO and UNEP.

Global Compendium of Good Practices

The United Nations Office on Drugs and Crime (UNODC) and a global auditing and consulting services organization have entered into a partnership for combating corporate corruption. They research global enterprises to collect good practices concerning whistleblower protection, integrity policies and compliance systems. The Global Compendium of Good Practices, published in September 2009, provides companies with a framework to establish or enhance internal anti-corruption policies and measures.

III. Impact of the global economic downturn on the partnership agenda

14. The global economic downturn has changed the context of partnerships between the private sector and the United Nations at both the system and entity levels. While it is too early to assess the overall impact of the crisis on the partnership agenda, there is evidence that, rather than undermining private sector partnerships, the current financial and economic crisis seems set to bolster such relations. Though a reduction in philanthropic giving may result, more innovative and sustainable partnerships are being undertaken. Moreover, the crisis has increased recognition of the need for sustainable business practices, which, in turn, will lead to broader private sector engagement in support of the values and goals of the United Nations.

15. Most agencies, funds and programmes see the current economic downturn as the biggest challenge for the development of cooperation with the private sector. While many entities believe a decrease in philanthropic giving is likely, most report that corporate partners are continuing to honour their commitments. A substantial number of partnerships with business have been initiated since 2007. Moreover, agencies, funds and programmes that previously focused on fund-raising partnerships are increasingly seeking to mobilize the core competencies of the private sector, influence corporate behaviour through advocacy and assist in improving the quality of corporate responsibility programmes.

16. The United Nations has long worked to embed its values in the marketplace through the responsible operations of companies. In the wake of the financial crisis, it is widely acknowledged that a globalized marketplace requires a strong ethical orientation and comprehensive management of risks. There is now a stronger case for the business sector to increase its focus on long-term value creation, proactively embrace an expanded view of risk management that includes environmental, social and governance factors, and emphasize the role of ethics in driving market confidence and trust. Therefore, the corporate commitment to advancing United Nations principles, as advanced by the United Nations Global Compact, remains strong.

17. Government leaders attending the Conference on the World Financial and Economic Crisis and Its Impact on Development, held in June 2009 affirmed the need to root business in universal values and principles, such as those set forth in the Global Compact.

18. Another factor driving business to embrace United Nations principles is the increasing recognition by the investment community of the importance of sustainable and ethical business practices. Mainstream financial investors, for example, are increasingly looking at environmental, social and governance performance as an important element for determining a company's long-term value. Several investment studies support this view, including one conducted by RiskMetrics Group in 2009, which found that publicly listed companies participating in the Global Compact that had produced "notable" annual disclosure reports on environmental, social and governance factors had outperformed a major stock market index over a two-year period, including during the economic downturn.

19. The rise in collaborative initiatives, such as the United Nations Principles for Responsible Investment, the Principles for Responsible Management Education, the Equator Principles and the Carbon Disclosure Project, indicate that the environmental, social and governance agenda is gaining prominence among influential groups, such as investors and academics.

Box 4
United Nations Principles for Responsible Investment

The United Nations Principles for Responsible Investment initiative has created awareness among asset owners and managers in the financial community about the goals of the United Nations in the environmental, social and governance realm. Launched by the UNEP Finance Initiative and the Global Compact in 2006, the initiative is a voluntary framework created to help investors integrate environmental, social and governance issues into investment decision-making and ownership practices. The United Nations Principles for Responsible Investment has brought an important new constituency to the United Nations, with more than 470 signatories from all regions of the world (representing $18 trillion in assets under management) engaged in the initiative.

Box 5
Principles for Responsible Management Education initiative

The Principles for Responsible Management Education initiative is the first organized relationship between business schools and the United Nations. Launched by the Global Compact in 2007, the initiative seeks to fully embed corporate responsibility principles in business school curricula and research in order to develop a new generation of business leaders capable of managing the business challenges of the twenty-first century. Over 200 business schools from 50 countries are signatories.

IV. Role of Governments

20. Working alongside the United Nations, Governments play an important role in promoting responsible business practices. Apart from providing the necessary legal frameworks and as a complement to regulation, Governments increasingly facilitate and encourage voluntary activities by the corporate sector. Such options include creating an enabling environment, raising awareness, promoting responsible business practices, building capacity, developing tools and providing funding for voluntary initiatives.

21. In 2008, for example, several Governments took measures to bring attention and scale to corporate responsibility, including in China, Denmark, Ghana, Norway and Sweden. Efforts in Denmark and Sweden involved annual reporting on responsible practices, while in China, Ghana and Norway, efforts were focused on raising awareness of responsibility principles among companies. In addition, numerous countries have supported major events of Global Compact country networks through the involvement of senior Government officials, for example in Australia, India, Mexico, Namibia, the Russian Federation and the United Arab Emirates.

22. Support for corporate responsibility as a complement to Government efforts has also been affirmed in inter-Governmental meetings. For example, the 2009 summit declaration of the Group of Eight welcomed and encouraged work to advance corporate responsibility in business practices.

V. Enhancing the ability to partner at the system level

23. The Global Compact is the world's largest corporate citizenship initiative, which brings the values of the United Nations to the global business community by encouraging adherence to 10 principles and actions in support of the objectives of the Organization, in particular the Millennium Development Goals. The Global Compact has over 6,600 signatories — 5,100 from business and 1,500 from civil society and other non-business sectors — based in over 135 countries. Local networks exist in over 80 countries, providing avenues for advancing the principles on the ground. Because of its extended network, understanding of business interests and public-private structure, the Global Compact Office plays a central role in facilitating and strengthening the United Nations partnership agenda at the system level.

24. Over the past two years, under its mandate from the General Assembly, the Global Compact Office has worked with numerous United Nations entities to strengthen relations with the private sector by sharing good practices and lessons learned and developing new resources and tools to improve partnerships. Initiatives include the United Nations Private Sector Forum, revision of the United Nations-business community guidelines, development of the new UN and Business website, and the annual United Nations system private sector focal points meeting.

25. The first United Nations Private Sector Forum was held in September 2008, bringing together approximately 100 chief executives, Heads of State and Government, and heads of United Nations agencies and civil society organizations to discuss the role of business in achieving the Millennium Development Goals. In the light of the event's success, the Secretary-General decided to hold the Forum on an annual basis. The next Forum will be held in September 2009 and focus on climate change.

26. A working group chaired by the Deputy Secretary-General was established in 2008 to update the Guidelines on Cooperation between the United Nations and the Business Community, a framework for collaboration that was originally issued in 2000. A revision was necessary to incorporate the many years of implementation experience. The revised guidelines, now called the Guidelines on Cooperation between the United Nations and the Private Sector, have been finalized and better reflect the shared experiences of the Organization. They aim to increase the scale, effectiveness and accountability of engagement.

27. The new UN and Business website, to be launched in late 2009, will bring greater transparency and enhanced coherence to the vast scope of partnership work undertaken by the United Nations. It addresses the difficulties companies face in identifying potential partnerships, as well as the nature of collaboration with agencies, funds and programmes. Created through the collaboration of more than 20 United Nations entities, the website offers an entry point for matching companies and United Nations entities in partnership by channelling corporate offers of support and listing the partnership needs of the Organization.

28. The United Nations system private sector focal points meeting, convened annually by the Global Compact Office since 2000, is a key mechanism for sharing experiences and lessons learned in partnerships. In October 2008, approximately 80 representatives of United Nations entities gathered for a two-day meeting to discuss the challenges arising throughout the partnership life cycle, from strategic planning to evaluation and renewal.

29. The United Nations Foundation is an important partnership player at the system level. Over the past 10 years, Foundation efforts have mobilized hundreds of millions of dollars for health, conservation, clean energy and human rights initiatives. During that time, the Foundation has established more than 300 programmatic partnerships and worked with more than 40 United Nations entities and 100 Governments. The United Nations Fund for International Partnerships, overseen by the United Nations Office for Partnerships, serves as the interface between the Foundation and the United Nations. With the mission to serve as a gateway and facilitator for partnerships, the Office has programmed more than 455 projects with 45 United Nations entities in over 120 countries.

30. With regard to the strategic and systematic engagement of the private sector at the country level, dozens of countries have begun switching to the "One UN" approach, as recommended by the High-level Panel on System-wide Coherence in the areas of development, humanitarian assistance and the environment. Through One UN, the country resident coordinator's office works to advocate and broker partnerships between Government, civil society and business to build consensus and realize country-specific goals as embodied in national development plans. As this approach evolves, opportunities for the strategic mobilization of private sector expertise, resources and capacities will increase.

VI. Partnership developments at the level of agencies, funds and programmes

31. In recent years, agencies, funds and programmes have expanded their partnership activities and adopted increasingly strategic approaches to partnering. Many are shifting emphasis from fund-raising partnerships to those that leverage core business competencies, improve the development effects of core business operations and foster private sector development. Entities are also slowly extending their partnership activities to companies located in low-income countries, as well as to small and medium-sized enterprises. At the same time, global partnerships continue to proliferate and entities increasingly recognize the challenge of aligning these partnerships with the broader development agendas of partner countries.

A. General partnership modalities

32. The survey conducted among agencies, funds and programmes in preparation for the present report shows that partnerships have become established as a small but permanent and steadily growing feature of the United Nations system. While some entities, such as UNICEF and the United Nations Industrial Development Organization (UNIDO), have entered into several hundred partnerships with business, most survey respondents engage in between 1 and 20. Most rate the overall success of their partnerships with business as above average, with an average score of "4" on a scale of "1" (not successful at all) to "5" (very successful). The primary motivation for partnering is resource mobilization. Other reasons include broadening support for a particular issue, taking advantage of private sector expertise and skills and encouraging more corporate social responsibility. Agencies, funds and programmes believe the most important reasons for business to partner with the United Nations are the reputation and brand value of

the Organization, as well as its technical expertise in the development field, close working relationship with Governments and NGOs, and convening power. Business statements confirm that these are key factors.

33. The survey also points to the fact that agencies, funds and programmes are adopting a more strategic approach to partnerships. Entities with partnership strategies in place or in development include UNICEF, UNDP, WFP, UNHCR, ILO, the United Nations Foundation, UNIDO, the United Nations Office for Partnerships, the United Nations Population Fund (UNFPA), the United Nations Development Fund for Women (UNIFEM), the United Nations Volunteers (UNV), the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO). Entities that have adopted a partnership strategy overwhelmingly report implementation improvements, including clearer procedures and principles governing outreach and the selection of partners.

B. Beyond fund-raising: towards leveraging core business competencies

34. Many United Nations entities have traditionally focused on fund-raising partnerships. Recently, some have shifted emphasis to other kinds of partnerships that leverage core business competencies, such as communication and management skills or technical expertise, improve the development effects of core business operations and foster private sector development. This move is intended to make partnerships more sustainable and scalable and capitalize on the complementary strengths of business.

35. UNICEF, for example, is increasingly engaging in normative and policy work with companies. In Brazil, UNICEF takes steps such as including corporate sector representatives in its governance structure, providing companies with tools and technical support to be more effective in achieving results for children and engaging management in advocating public policies for children. In Kenya, UNICEF is also trying to influence corporate behaviour, for example, by convincing companies to fortify basic foods with essential vitamins and minerals.

Box 6
UNICEF Brazil: from donors to partners

A partnership between UNICEF Brazil and a semi-public Brazilian energy company exemplifies the movement away from a traditional donor role to that of a full-fledged partner. The company, which had originally provided grants for small-scale projects, gradually began engaging in a long-term strategic partnership linked to country-wide public policies, placing children at the core of its business. To help improve the company's social action programme, UNICEF provides technical advice on criteria for the allocation of the company's corporate responsibility funds and trains staff on children's rights. This partnership is used as a model to negotiate other UNICEF partnerships in Latin America and elsewhere.

36. Another innovative partnership model is the UNHCR Council of Business Leaders.

Box 7
UNHCR Council of Business Leaders

Established in 2005, the UNHCR Council of Business Leaders is a group of five multinational corporations committed to strengthening the protection of, and providing assistance to, refugees around the world. Members of the Council support UNHCR by offering strategic advice, providing guidance on partnering with the corporate sector, and identifying opportunities and furthering relations with key groups to broaden the support base and funding of UNHCR. The Council also has jointly developed partnerships, such as the Community Technology Access programme, which provides rural communities, refugee camps and host communities with access to information and communication technology. Local councils have been established in Thailand and South Africa.

37. The key challenge facing agencies, funds and programmes in the move beyond fund-raising partnerships is the ability to adapt existing structures, processes and partnership modalities to new forms of engagement. For example, many staff members currently in charge of partnerships are trained in fund-raising the operational environment of which does not readily allow for risk and reward sharing.

C. Integrating companies from low-income countries and small and medium-sized enterprises

38. While most agencies, funds and programmes began partnership work with large, multinational companies based in industrialized countries, in recent years they have increasingly partnered with companies located in emerging economies, such as Brazil, China, India and South Africa, and subsidiaries of multinational companies. While the potential for such partnerships has not yet been realized, several agencies, funds and programmes do plan to intensify these relationships.

39. Another trend is the expansion of the partnership agenda from the global to the local level, by engaging local companies and small and medium-sized enterprises in the work of the United Nations. Agencies, funds and programmes, such as UNDP, ILO, FAO and UNIDO, have always worked with local companies as part of their mandate and are trying increasingly to engage them as both beneficiaries and partners. Efforts include encouraging companies to adhere to labour standards and engaging in joint advocacy campaigns. Regarding small and medium-sized enterprises, entities such as UNIDO can also assume a brokering and convening role to link large corporations and small suppliers.

Box 8

UNDP work with the private sector

In 2007, UNDP launched a new strategy for working with the private sector, emphasizing the potential impact of commercial activities on United Nations goals. The strategy is focused on five areas: providing support to Governments seeking to create a rule-based legal and regulatory climate for private enterprise and markets; helping poor producers access markets; researching "bottom-of-the-pyramid" investment and sustainable business models; promoting investment in human capital and fostering the entrepreneurial skills of the poor; and advocating for core business investments that provide sustainable benefits to the poor. UNDP has three major global private sector programmes: Growing Inclusive Markets, Growing Sustainable Business and Public-Private Partnerships for Service Delivery.

Box 9

Partnerships with local companies and small and medium-sized enterprises

HIV/AIDS education in Guyana

Besides offering haircuts, barber shops in Guyana are meeting points for learning about community news. Therefore, UNFPA and the Joint United Nations Programme on HIV/AIDS initiated partnerships with local barber shops to help disseminate information on HIV/AIDS. A local NGO and the United Nations Country Theme Group train local barber shop staff on HIV-related questions and provide information materials and condoms. Every month, the shops distribute, on average, 7,000 male condoms and 400 female condoms. Participating barber shops receive free marketing services and have witnessed an increase in clients.

Combating malaria with Artemisia annua

The Growing Sustainable Business Initiative of the UNDP partners with a local university, an NGO and a Madagascar-based company to develop an alternative treatment for malaria. WHO and UNICEF have recommended a plant that grows abundantly in Madagascar, *Artemisia annua*, as an effective treatment for malaria. Partners have supported local production of the plant, creating 73 permanent and 400 seasonal jobs. Production has exceeded Madagascar's needs and led to increased exports of the plant.

Uganda Green Computer Company

UNIDO, in partnership with a multinational computer technology firm, established the Uganda Green Computer Company, a local recycling and service enterprise that refurbishes used computers by installing new software and then sells them at affordable prices. Schools and local small and medium-sized enterprises have access to affordable computers, which in turn spurs the local ICT industry and supports other such enterprises in need of enhanced technology. There are plans to expand the model across the region.

40. The local networks of the Global Compact also play a role in facilitating locally owned and developed partnerships. These networks bring together companies and local partners to promote corporate responsibility practices and provide partnering opportunities. Because the 80-plus networks — evenly divided between developed and developing economies — are established and sustained by local interests, activities are based on priorities on the ground.

41. There are several hurdles to realizing the potential of partnerships between local companies and small and medium-sized enterprises. Firstly, such partnerships often follow different rules than those with multinationals and approaches must be adapted accordingly. For example, small and medium-sized enterprises are often more interested in skills and technology transfer than in reputation gains. They are also typically more dependent on short-term benefits and need to see more immediate results when entering into a partnership. Secondly, local companies can be more difficult to reach. To facilitate this process, entities such as FAO are working with business associations and chambers of commerce. The local networks of the Global Compact also provide an access point. Thirdly, local companies may operate in legal environments and under tax rules that are not conducive to corporate responsibility. Tackling these challenges will help to strengthen partnerships with local companies and small and medium-sized enterprises, which would have an overall positive effect on development since local partnerships can better respond to needs and be more sustainable.

D. Global partnerships and alignment

42. Agencies, funds and programmes are engaging in a growing number of global multi-stakeholder initiatives. For example, the World Bank participates in approximately 125 global and 50 regional programmes. UNICEF participates in over 70 initiatives. In 2007, UNDP engaged in more than 40, WHO and FAO in about 35 each, and IFAD, UNEP and the United Nations Educational, Scientific and Cultural Organization in about 30 each.

Box 10
Examples of global health partnerships

Global Fund to Fight AIDS, Tuberculosis and Malaria (the Global Fund)

The Global Fund, which became operational in 2002, is a partnership between Governments, civil society, the private sector and affected communities. It has become the main source of financing for HIV/AIDS, tuberculosis and malaria programmes, providing one quarter of all international financing for HIV/AIDS, two thirds for tuberculosis and three quarters for malaria. By December 2008, the Global Fund had signed agreements worth $10.2 billion for 579 grants in 137 countries. Fund programmes have expanded key services delivery, with 2 million people receiving HIV anti-retroviral treatment, 4.6 million provided effective tuberculosis treatment and 70 million insecticide-treated bed nets distributed. As a result, approximately 3.5 million lives have been saved, according to Fund estimates.

Global Alliance for Vaccines and Immunization

Launched in 2000, the Global Alliance for Vaccines and Immunization (GAVI) aims to accelerate access to underused vaccines, strengthen health and immunization systems in developing countries, and introduce new immunization technology. Partners include Governments in industrialized and developing countries, UNICEF, WHO, the World Bank, the Bill and Melinda Gates Foundation, NGOs, vaccine manufacturers and public health and research institutes. By the end of 2008, the Alliance had introduced new development financing mechanisms and committed over $4 billion to ensure vaccines reached a cumulative 213 million additional children in developing countries, thereby preventing 3.4 million premature deaths.

Global Alliance for Improved Nutrition

Launched in 2002 as a Swiss foundation, the Global Alliance for Improved Nutrition works with an alliance of Governments, international organizations, the private sector and civil society to reduce malnutrition. In addition to providing funding, the Alliance advises on collaborative efforts to develop and distribute high quality and affordable fortified food products and complementary foods for low-income populations.

43. Global partnerships have made important advances in addressing development challenges, such as food fortification or vaccine coverage. Some have managed to mobilize substantial additional resources. Global health programmes, in particular, have a strong record of independent evaluations. However, there are challenges to ensuring coherence and consistency in this growing field, which are necessary to avoid duplication among aid initiatives and straining the capacities of developing countries.

44. There is increasing awareness of the alignment challenge in global partnerships, and efforts are being made to address it. GAVI, the Global Fund and the World Bank are discussing the potential solution of earmarking funds for joint programmes to strengthen health systems. In another example, the Organization for Economic Cooperation and Development has developed good practice guidance on the integration and alignment of global programmes at the country level. Further measures are needed to prevent the fragmentation of the international aid system and ensure the effectiveness and efficiency of assistance programmes.

VII. Actions to overcome operational challenges

45. In its resolution 62/211, the General Assembly encouraged agencies, funds and programmes, as well as the United Nations Secretariat, to address operational challenges that hamper the capacity of the Organization to collaborate effectively. Significant steps have been taken to this end such as strengthening the enabling environment for partnerships, boosting staff capacity, adopting more appropriate partner selection mechanisms, enhancing communication of lessons learned and improving evaluation. Having laid this groundwork and with 10 years of experience, the United Nations is now well positioned to bring engagement with the private sector to the next level and thereby significantly enhance the contribution of business to development and the advancement of United Nations values.

A. Strengthening the enabling environment for United Nations-business partnerships

46. Partnerships enjoy the support of the Secretary-General and of most heads of agencies, funds and programmes. Efforts have begun to adapt guidelines and processes that govern the work of the Organization to a changing environment in which private sector partnerships are important for helping to advance the goals of the United Nations. Through the revised United Nations-business community guidelines, an important step has been taken to move from a focus on the legal and liability aspects of partnerships — for example, rules regarding the acceptance of pro bono services — to more proactive management of risks and opportunities.

47. Further efforts are needed to minimize bureaucratic obstacles, which continue to be cited as a hurdle to building effective partnerships; however, good practices are emerging. By developing standard partnership agreements and working with legal offices to increase understanding of the importance of partnerships and accelerating agreements, entities such as WFP, UNICEF, UNIDO and UNESCO are leading the way in streamlining processes. The Private Partnerships Division of the WFP, for example, involves the legal department early on to ensure the timely processing of agreements.

B. Capacity-building at all levels and training of United Nations staff

48. Previous reports and resolutions have acknowledged that partnerships are resource-intensive and require specialized skills. Agencies, funds and programmes with country or regional offices have taken measures to increase their local institutional capacity. Almost all entities have assigned a private sector focal point

to serve as the entry point for business partners, act as a link with United Nations management, and advocate on behalf of partnerships within their organizations. Over the past two years, almost a dozen entities have hired new staff members to work on partnership development, and others have indicated that they have adopted partnership policies and procedures and created or increased dedicated budget lines for partnership activities. Country and regional offices are being increasingly empowered to engage in partnerships.

49. Despite these advances, further efforts are needed to ensure adequate skills and capacities for partnership development. Many agencies, funds and programmes continue to view the lack of partnership skills among staff as a key hurdle and have highlighted the lack of training. There are other challenges as well: most entities do not offer incentives or do not have a mandate to identify and develop new partnership opportunities, nor do they evaluate partnership skills in the recruitment process; legal offices often have insufficient staff working on partnerships; partnership units are often not integrated into core programme teams, making it difficult to increase staff understanding of partnership benefits; and lack of staff exchange between business and the United Nations, which could improve mutual understanding.

C. Partner selection and engagement processes

50. Agencies, funds and programmes increasingly recognize the need to protect the reputation of the Organization when engaging with the private sector. The response to this need will affect how the United Nations selects business partners, as well as how the business community views its experience of engaging with the Organization.

51. There are currently no standardized criteria in place for screening and selecting potential partners across the Organization. Most entities, however, have formulated selection schemes tailored to their needs, building on the United Nations-business guidelines launched in 2000, and some are pursuing more proactive approaches and have increased their outreach activities to identify potential partners. There is a growing trend away from a purely negative screening to a balanced screening that also includes positive criteria. Many entities continue to use the services of external agencies, such as World-Check.

52. The United Nations would benefit from more coherent selection criteria, as well as improved sharing of related information among entities. The revised United Nations-business community guidelines, now the United Nations-private sector guidelines, are a step forward in this regard; for example, they have established the principles of the Global Compact as a common minimum standard for companies seeking to partner with the Organization. The new UN and Business website promises to bring greater transparency and clarity to the vast scope of partnership work undertaken at the United Nations, and will help to match company donations and partnership ideas with the partnership needs of the Organization based on the preferences indicated by United Nations agencies, funds and programmes.

53. The One UN approach (see para. 30 above) being adopted in dozens of countries is helping to increase partnership coherence on the ground.

Box 11
"One UN" in the Ukraine

The "One UN" approach was used in the Ukraine to create a framework for fostering partnerships with the private sector. The United Nations Development Assistance Framework selected the Global Compact as the entry point for business. The joint framework was developed in consultation with United Nations country team members and includes activities and targets for a three-year period, as well as reporting mechanisms. The approach achieved more effective partnerships with the private sector through the cost-effective pooling of resources, avoiding the overlap of responsibilities and decreasing confusion for businesses dealing with the United Nations.

D. Sharing best practices and lessons learned

54. There have been major advances in sharing good practices and lessons learned within entities and across the United Nations system. The Global Compact Office has driven several initiatives, including the quarterly UN-Business Focal Point e-newsletter, annual meetings of United Nations system private sector focal points and numerous publications on partnerships. Moreover, the Global Compact website provides extensive materials, such as corporate responsibility reports by business participants, case studies and meeting reports.

55. The Secretariat of the Commission on Sustainable Development also facilitates knowledge-sharing through its interactive online database, which provides detailed and searchable information on some 100 sustainable development partnerships. The Secretariat organizes partnership fairs at the official sessions of the Commission to facilitate the exchange of experiences, present case studies and showcase progress.

56. Agencies, funds and programmes have also scaled up efforts to share information on private-sector experiences. For example, UNDP has established a global community of practice for country offices, UNESCO has set up an online help desk providing information on working with the private sector, UNICEF has surveyed regional and country offices to compile information on experiences and UNHCR organizes specialized training events for staff in its regional offices.

E. Evaluation and impact assessment

57. In its resolution 62/211, the General Assembly places special emphasis on the need to develop impact assessment mechanisms for partnerships, recognizing that strong monitoring and evaluation processes can enhance accountability, support effective management, enable learning and better show contributions to development.

58. The majority of agencies, funds and programmes responding to the survey conducted in preparation for the present report state that at least half of their partnerships are evaluated. While many evaluations are carried out internally, some entities contract external service providers for this purpose. A growing number of

entities include a specific provision or budget item for evaluations in their partnership agreements.

59. Despite the growing number of evaluations, the United Nations is still not in a position to accurately assess the impact and value added of its private sector partnerships. Agencies, funds and programmes state that conducting more systematic evaluations and impact assessments is too time-consuming and expensive, and that appropriate tools are lacking. Although systematic and rigorous impact assessment of partnerships may be unrealistic in the near future, the United Nations should place greater emphasis on evidence-based decision-making, learning from evaluations and planning for results.

VIII. Recommendations

60. Significant progress has been made across the United Nations in advancing private sector partnerships, in particular to continue to develop a common and systematic approach that places greater emphasis on impact, transparency, accountability and sustainability. It is vital to continue efforts to strengthen the capacity of the Organization to engage in partnerships and enhance their effectiveness, as this resource can play an important role in helping to achieve the Millennium Development Goals. The following concrete steps are recommended:

A. Develop a more strategic approach for working with the private sector

61. While many agencies, funds and programmes have become more sophisticated in their partnerships, entities still need to align their institutional comparative advantages with the approach for engaging business to ensure that core competencies and strengths are leveraged. All entities should develop a strategy for defining their partnership needs, and then periodically review and build on the strategy.

B. Build capacities to shift from fund-raising to core business partnerships

62. Partnerships that move beyond fund-raising and are linked to core business operations and fostering private sector development are likely to become more relevant in the future, and can lead to more sustainable and scalable partnerships that capitalize on the complementary strengths of business. More United Nations entities should be encouraged to engage in such partnerships. This shift calls for agencies, funds and programmes to adapt structures, processes and modalities to new forms of engagement, and better allow for risk and reward sharing.

C. Enhance integration of small and medium-sized enterprises and companies in low-income countries

63. Agencies, funds and programmes should boost efforts to harness the potential of small and medium-sized enterprises and local companies in low-income countries

as part of efforts to develop partnerships. To this end, entities should better ensure that relevant needs are reflected in partnerships, including skill and technology transfers, and identify short-term benefits. To facilitate identification and access to these companies, agencies, funds and programmes could map corporate engagement opportunities by country through their regional and country offices, and Global Compact local networks should serve as an additional access point.

D. Ensure alignment between global partnerships and country development agendas

64. Global partnerships need to more actively address integration and alignment with the broader development agendas of partner countries. Agencies, funds and programmes should work closely with Governments to more vigorously promote these issues.

E. Build enabling framework for United Nations-business partnerships

65. To implement the revised United Nations-business community guidelines, now the United Nations-private sector guidelines, and further streamline administrative procedures, the United Nations should simplify relevant legal processes. Rules governing the acceptance of pro bono goods and services should be further reviewed. In addition, the criteria for differentiating between procurement relationships and partnerships should be fully clarified. Moreover, consideration should be given to creating a special United Nations logo for United Nations-private sector partnerships, subject to appropriate conditions.

66. Offices responsible for partnerships in the agencies, funds and programmes should work more closely with legal departments. A standard template for partnership agreements, currently being finalized by the Office of Legal Affairs, should be shared broadly across the Organization. Additionally, entities should consider designating private sector focal points within legal departments.

F. Enhance capacity-building and training of United Nations staff

67. To build the necessary skills and capacity to engage effectively in partnerships, entities should better integrate private sector focal points and partnership units into their core organizational processes to mainstream partnership approaches and increase understanding of the value of partnerships. To strengthen cross-sector skills, agencies, funds and programmes, subject to their applicable rules and regulations, should employ more people with business backgrounds and develop staff exchange programmes with the private sector.

68. More internal and external training opportunities are needed, as is focus on developing training modules on legal issues and other recurring problems. United Nations private sector focal point meetings should be complemented by specific, structured training sessions once a year and legal offices of agencies, funds and programmes should discuss partnership issues on a regular basis to exchange good practices.

69. Agencies, funds and programmes should also foster staff motivation by assessing partnership-building skills and including partnership building in job descriptions and performance evaluation reports.

G. Develop a coherent approach to partner selection and engagement

70. To better manage the reputational risks associated with partnerships, the United Nations should adopt a more coherent approach to selecting partners. Agencies, funds and programmes should use a common screening mechanism and database, which can be adapted to different mandates, partnership strategies and selection criteria. Until a common system-wide screening mechanism is established, relevant resources, tools and results should be shared across the Organization.

71. Widespread implementation of the revised United Nations-business community guidelines, now the United Nations-private sector guidelines, and effective utilization of the new UN and Business website are strongly recommended in order to strengthen the coherence, transparency and effectiveness of private sector engagement — from the perspectives of both the Organization and the private sector. Increased uptake of the One UN approach should be considered to help bring greater coherence to partnerships at the country level.

H. Further enhance mechanisms to share best practices and lessons learned

72. To further improve knowledge management across the Organization, platforms such as the UN-Business Focal Point e-newsletter and the new UN and Business website need to be actively contributed to and utilized by private sector focal points.

73. An international philanthropy day could be proclaimed to promote the sharing of information and experiences in support of the United Nations development agenda and to initiate new partnerships towards this end. The Department of Economic and Social Affairs would convene events around the day that would focus on raising awareness about the role of philanthropy and further engaging foundations in helping to meet the Millennium Development Goals.

I. Improve evaluation and impact assessment

74. Until the United Nations is able to systematically measure the impact and value of private sector partnerships, agencies, funds and programmes should adopt approaches to strengthen emphasis on evidence-based decision-making, learning from evaluations and results-focused planning. Monitoring and evaluation mechanisms should be built into partnerships from their inception, including in agreements and budgets. As suggested in the revised United Nations-business community guidelines, now the United Nations-private sector guidelines, entities should agree on a common set of principles and key performance indicators for impact assessment.

IX. Conclusion

75. The United Nations has increasingly engaged the private sector as a partner in helping to achieve the goals of the Organization, particularly the Millennium Development Goals. This private sector collaboration began one decade ago as a sporadic and experimental practice. Over the years, private sector partnerships have developed to become a common and increasingly sophisticated mechanism across the entire United Nations system for addressing priority challenges.

76. Steady efforts have been made, across the system and in agencies, funds and programmes, to build a robust approach for engaging in effective, sustainable and transparent partnerships. The revised United Nations-business community guidelines, now the United Nations-private sector guidelines, and the new UN and Business website, both completed in 2009, are key milestones.

77. Private sector engagement remains strong in the midst of the global economic downturn, although the overall impact on the partnership agenda is not yet known. There is evidence that a stronger recognition of the importance of embedding United Nations values in business and markets has emerged from this crisis, thus ensuring broad private sector engagement in support of the goals of the Organization.

78. With important groundwork laid and years of experience, the United Nations is well positioned to bring engagement with the private sector to the next level, thereby significantly enhancing the contribution of business to development and to the advancement of United Nations values. To this end, efforts at both the institutional and operational levels are needed, including in key areas of developing a more strategic partnership approach; building capacities for core business partnerships; enhancing integration of small and medium-sized enterprises and companies from low-income countries; ensuring alignment between global partnerships and country development agendas; building an enabling framework for United Nations-business partnerships; enhancing capacity-building and training of staff; developing a coherent approach to partner selection and engagement; enhancing mechanisms to share best practices and lessons learned; and improving evaluation and impact assessment.

79. Widespread implementation of the revised United Nations-business community guidelines, now the United Nations-private sector guidelines, and effective utilization of the new UN and Business website will significantly help to strengthen the coherence, transparency and effectiveness of private sector engagement. Additionally, increased uptake of the One UN approach at the country level will provide opportunities to coherently and strategically mobilize business expertise, resources and capacities.

80. Caretaking of the United Nations-business relationship is required to ensure that appropriate support and focus are provided to implement the recommendations in the present report, as well as to begin a new process to continuously assess and improve the value proposition of partnerships and ensure maximum alignment with the priority goals set by Member States. At the system level, the Global Compact Office and relevant entities should work towards this end. This will also require the development of the capacities of individual entities to better evaluate partnership impacts and adapt to changing contexts.

81. Government guidance and financial support remains critical. Most efforts to engage the private sector are supported by Governments, which also serves to ensure the public nature of United Nations partnerships. Continued and increased engagement by Governments would enable the Organization to better define its strategic goals with the private sector.

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Indigenous issues

Second International Decade of the World's Indigenous People

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the Members of the General Assembly the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, in accordance with paragraph 1 of General Assembly resolution 63/161.

* A/64/150.
** The present report was submitted late owing to administrative difficulties.

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Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people

Summary

The present report is the first submitted to the General Assembly by the current Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, pursuant to General Assembly resolution 63/161. The Special Rapporteur discusses the implementation of his mandate pursuant to Human Rights Council resolution 6/12, in which he was directed to work cooperatively with States, indigenous peoples, the United Nations, regional bodies and non-governmental organizations and to pay particular attention to both the obstacles preventing full enjoyment of the human rights and fundamental freedoms of indigenous peoples and to best practices in overcoming these obstacles, including through the promotion of the United Nations Declaration on the Rights of Indigenous Peoples and international instruments relevant to the advancement of the rights of indigenous peoples. The rights set forth in the United Nations Declaration serve as a platform for the cooperative manner in which the Special Rapporteur carries out his work, inform his collaboration with the United Nations mechanisms with which he engages and form the core of his concerted involvement with States, indigenous peoples' organizations and civil society partners.

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I. Introduction

1. The present report is submitted to the General Assembly by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, pursuant to General Assembly resolution 63/161. On 28 March 2008, the Human Rights Council appointed James Anaya of the United States of America as the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. Mr. Anaya, who assumed his mandate on 1 May 2008, has since submitted two reports to the Human Rights Council.

2. In his first annual report (A/HRC/9/9), the Special Rapporteur provided a number of reflections concerning the normative framework for addressing indigenous peoples' concerns and the operationalization of the human rights norms affirmed in the United Nations Declaration on the Rights of Indigenous Peoples and other relevant international instruments. In his second report (A/HRC/12/34) the Special Rapporteur gave a detailed description of his methods and areas of work and analysed the duty of States to consult with indigenous peoples on matters affecting them, with the hope of offering insight into how this core issue may be addressed in the future by Governments, indigenous peoples, the United Nations system and other stakeholders, and offered various recommendations in that regard.

3. The present report, the Special Rapporteur's first to the General Assembly, presents an overview of the scope of his mandate in accordance with Human Rights Committee resolution 6/12, highlighting coordination with other mechanisms and bodies and outlining several activities undertaken from 1 May 2009 to 1 September 2009 with United Nations and regional bodies in the spirit of collaboration (sect I). The report provides a brief description of the areas of work of the Special Rapporteur, within the terms of his mandate, to monitor the human rights conditions of indigenous peoples worldwide and promote steps to improve those conditions in line with relevant international standards (sect. II). These areas of work fall within four interrelated spheres of activity: promoting good practices; thematic studies; country reports, and cases of alleged human rights violations. The report provides an analysis of the United Nations Declaration on the Rights of Indigenous Peoples, including its adoption and related developments, general character and content, and underscores the central role that it plays in the promotion of the rights of indigenous peoples by the United Nations system, States, indigenous peoples' organizations and civil society partners (sect. III).

4. The Special Rapporteur is grateful for the support provided by the staff at the Office of the United Nations High Commissioner for Human Rights (OHCHR). He would also like to thank staff and affiliated researchers of the Indigenous Peoples Law and Policy Program at the University of Arizona for their continued assistance with all aspects of his work. Finally, the Special Rapporteur would like to thank the many indigenous peoples, Governments, United Nations bodies and agencies, non-governmental organizations, and others that have cooperated with him over the past year and a half to implement his mandate.

II. Scope of the mandate

5. The Commission on Human Rights, in its resolution 2001/57, established the mandate of the Special Rapporteur on the situation of human rights and fundamental

freedoms of indigenous peoples with the authority, inter alia, to "gather, request, receive and exchange information and communications from all relevant sources" concerning human rights violations against "indigenous people themselves and their communities and organizations", and to "formulate recommendations and proposals on appropriate measures to prevent and remedy" such violations (para. 1). The Special Rapporteur was further invited to "take into account a gender perspective" and to pay special attention to the situation of indigenous women and children (paras. 2 and 3).

6. In its resolution 6/12, the Human Rights Council, as the successor body to the Commission on Human Rights, expanded the scope of the original resolution, adding directives for the Special Rapporteur to work cooperatively with States, indigenous peoples, United Nations and regional bodies and non-governmental organizations and to pay particular attention to both the obstacles preventing full enjoyment of the human rights of indigenous peoples and to best practices in overcoming these obstacles. Significantly, the resolution further directed the Special Rapporteur to promote the United Nations Declaration on the Rights of Indigenous Peoples and international instruments relevant to the advancement of the rights of indigenous peoples, where appropriate, thus providing the Special Rapporteur's activities with a clear normative framework, discussed in more detail in section III below.

A. Coordination with other mechanisms and bodies

7. As indicated in Human Rights Committee resolution 6/12, coordination with other institutions is a fundamental aspect of the mandate of the Special Rapporteur. In that resolution, the Council directed the Special Rapporteur "To work in close cooperation, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies, the treaty bodies, and human rights regional organizations" (resolution 6/12, para. 1 (d).

8. The Special Rapporteur is specifically required "To work in close cooperation with the Permanent Forum on Indigenous Issues and to participate in its annual session" (resolution 6/12, para. 1 (e)). Such cooperation also extends to the expert mechanism, which is mandated by the Human Rights Council to invite the Special Rapporteur to its annual session in order to "enhance cooperation and avoid duplicating the work" of the respective mechanisms (resolution 6/36, para. 5). During the course of his work, the Special Rapporteur has noted a significant level of confusion among indigenous groups, non-governmental organizations and other stakeholders about the respective roles and functions of the three mechanisms, as well as their place within the institutional structure of the United Nations, and believes that continued education about the individual mandates and functions of these mechanisms is essential.[1]

9. With the aim of addressing some of the questions regarding roles and functions of the three mechanisms, the Special Rapporteur, with the former Special

[1] See Economic and Social Council resolution 2000/22, establishing the Permanent Forum, and Human Rights Council resolution 6/36 establishing the expert mechanism. For further discussion on the complementarity and differences among these bodies, see A/HRC/12/34.

Rapporteur, Rodolfo Stavenhagen, participated in a seminar in Madrid from 4 to 6 February 2009 with the members of the expert mechanism and four members of the Permanent Forum, along with several experts from various regions. The main objective of the meeting, organized by the International Work Group for Indigenous Affairs and the Almáciga Intercultural Working Group, was to promote an informal dialogue among the members of the three mechanisms to better coordinate their work, and their activities with other United Nations agencies and bodies, especially the need for close cooperation and partnership to promote the operationalization of the rights affirmed in the United Nations Declaration. During the meeting, the experts discussed methods for streamlining the work of the three mechanisms by examining the priority work area or areas of the respective mandates and identifying ways in which the aspects of each mandate might be maximized.[2]

10. The Special Rapporteur reports annually to the Permanent Forum and to the expert mechanism, and has also been active in constructing a dialogue with agencies of the United Nations Secretariat, their regional presences and the specialized agencies on indigenous issues. He engaged with representatives of various United Nations agencies in a seminar organized by the United Nations Development Programme (UNDP) in New York, on 20 May 2009, in which he emphasized the role of United Nations agencies and programmes in implementing the United Nations Declaration. He also met with officers of the Department of Public Affairs of the Secretariat on 21 May and has subsequently worked to build coordinated action in areas of mutual interest.

11. The Special Rapporteur participated in two seminars on the United Nations Declaration on the Rights of Indigenous Peoples in Latin America, one in Lima, from 6 to 8 October 2008 in cooperation with the International Labour Organization (ILO), and one in Montelimar, Nicaragua, from 10 to 13 June 2009, organized by OHCHR. OHCHR promotes implementation, at the regional level, of the rights and corresponding State obligations expressed in the Declaration through education, information-gathering and advisory services. During the two seminars, the Special Rapporteur gave presentations on the content and means of implementing the Declaration as it pertains to the Latin American region. The Declaration was also the subject of a presentation he gave to participants at a seminar entitled "The United Nations Declaration on the Rights of Indigenous Peoples: a pending agenda", organized by UNDP in Costa Rica on 11 November 2008 in San Jose.

12. On 3 June 2009, the Special Rapporteur was the featured speaker at a seminar entitled "Advancing indigenous rights and development in Latin America and the Caribbean" in Washington, D.C., at which he focused on the role of the World Bank in relation to various challenges and initiatives concerning indigenous peoples. He continues to maintain contact and to cooperate with representatives of the World Bank in exploring ways of further coordination on issues in Latin America and beyond.

13. On 25 October 2008, the Special Rapporteur participated in an expert seminar on indigenous land rights and the principle of free, prior and informed consent in Washington, D.C., sponsored by the Inter-American Commission on Human Rights. He has exchanged information with the Commission on various cases. In addition,

[2] Summary report of the International Expert Seminar on the Role of United Nations Mechanisms with a Specific Mandate Regarding the Rights of Indigenous Peoples (A/HRC/12/34/Add.7).

the Special Rapporteur has confirmed his willingness to cooperate with the Working Group on Indigenous Populations/Communities in Africa of the African Commission on Human and Peoples' Rights, and looks forward to exploring concrete ways in which he may enhance collaboration with the Commission and other regional bodies in the future. These current and potential initiatives are in line with Human Rights Council resolution 6/12, mandating the Special Rapporteur "... to develop a regular cooperative dialogue with ... regional or subregional international institutions".

III. Areas of work

14. The Special Rapporteur has engaged in a range of activities within the terms of his mandate to monitor the human rights conditions of indigenous peoples worldwide and promote steps to improve those conditions in line with relevant international standards, including those of the United Nations Declaration on the Rights of Indigenous Peoples. Overall, the Special Rapporteur has tried to develop work methods oriented towards constructive dialogue with Governments, indigenous peoples, non-governmental organizations, relevant United Nations agencies and other actors in order to address challenging issues and situations and build on advances already made. The various activities that he has carried out in this spirit can be described as falling within four interrelated spheres of activity: promoting good practices; thematic studies; country reports; and cases of alleged human rights violations.

A. Promoting good practices

15. One area of the Special Rapporteur's work follows from the directive given him by the Human Rights Council "to identify ... and promote best practices" (resolution 6/12, para. 1 (a)). The Special Rapporteur has been focused on working to advance legal, administrative and programmatic reforms at the domestic level to implement the standards of the United Nations Declaration on the Rights of Indigenous Peoples and other relevant international instruments. Reform of this kind is a major undertaking, as it is full of all kinds of complexities and requires a strong commitment, both financial and political, on the part of Governments.

16. During the course of his work, the Special Rapporteur has been asked to provide assistance with constitutional and legislative reform initiatives by providing orientation on how to harmonize those initiatives with relevant international standards. Shortly after assuming his mandate in May 2008, the Special Rapporteur was asked by indigenous organizations and the President of the Constituent Assembly of Ecuador to provide technical assistance with the constitutional revision process as part of the programme of technical assistance by UNDP in the country. During his working visit, the Special Rapporteur had the opportunity to engage in a constructive dialogue with members of the Constitutional Assembly, experts and representatives of indigenous organizations and the Confederation of Indigenous Nationalities of Ecuador. The Special Rapporteur submitted a number of observations to the Government regarding some of the issues raised during his working visit in the light of relevant international norms (see A/HRC/9/9/Add.1). Ecuador's new Constitution was approved by referendum in September 2008 with

significant provisions affirming indigenous collective rights. The Special Rapporteur continues to monitor Ecuador's implementation of those reforms and subsequent legislation.

17. The Special Rapporteur has also promoted good practices by encouraging the positive steps taken by member States. In December 2008, the Special Rapporteur was invited to attend a ceremony in Awas Tingni, Nicaragua, during which the Government handed over to the indigenous community the long-awaited title to its ancestral lands, as required by a 2001 judgement of the Inter-American Court of Human Rights. In a press release following the ceremony, the Special Rapporteur commended the Government of Nicaragua for taking affirmative steps to implement the judgement. The Special Rapporteur will continue to monitor progress towards ensuring that the rights of the indigenous peoples of Awas Tingni to the titled lands are fully respected in practice by third parties and towards addressing the land and related claims of other indigenous communities.

18. In April 2009, the Special Rapporteur visited Chile to assess the situation of the indigenous peoples of that country, in follow-up to the 2003 visit to Chile by his predecessor. While indigenous peoples in Chile face persistent problems, the Government has taken important steps in recent years to advance the protection of their rights, including by ratifying, in September 2008, the ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries of 1989 and by committing itself to the enactment of constitutional reforms to recognize and promote indigenous rights. In light of the constitutional reform process, the Special Rapporteur developed and submitted a report to the Government,[3] which was subsequently made public, outlining and analysing the various applicable elements of the right to consultation, and providing examples of consultation mechanisms in other countries. The Government has initiated consultations with indigenous groups in Chile on the constitutional reform process and the Special Rapporteur continues to monitor their progress.

19. The Special Rapporteur participated in a seminar on indigenous rights in Jakarta from 16 to 17 March 2009, sponsored by the Indonesian National Human Rights Commission and the Indigenous Peoples' Alliance of the Archipelago. At the seminar the Human Rights Commission and the Peoples' Alliance announced an agreement on a joint programme to address indigenous issues — a good example of coordination between a State's independent human rights commission and a major indigenous organization.

20. On 22 October 2008, the Special Rapporteur attended the sixty-fifth convention of the National Congress of American Indians, at which he provided a presentation on the use of international standards to strengthen the protections for the rights of indigenous peoples in the United States of America. The National Congress is a coalition of over 250 indigenous nations in the United States which works to inform decisions of the Government of the United States and Congress that affect indigenous peoples' interests.

21. From 27 to 31 October 2008, the Special Rapporteur joined representatives of Saami communities from throughout the Saami territory in the Nordic countries and the Russian Federation, Government representatives and others in attendance at the nineteenth Saami Conference in Rovaniemi, Finland. At the conference, the Special

[3] A/HRC/12/34/Add.6.

Rapporteur was able to meet with the Saami Council and the Saami Parliaments in the Nordic countries to discuss ways of strengthening institutional arrangements for protecting their rights. The Saami Parliaments have become an increasingly effective means for Saami people to enhance control over matters affecting their lives and communities.

22. In an innovative initiative by an indigenous government, the Navajo Nation in the United States has established the Navajo Nation Human Rights Commission. On 19 December 2008, the Special Rapporteur attended a "human rights orientation" organized by the Commission for members of the Navajo Nation Council and engaged in a discussion with the Commission and Council members on ways to advance the human rights of Navajo people through the use of international human rights mechanisms.

23. The Special Rapporteur visited Australia to attend a meeting entitled "The sixtieth Anniversary of the Universal Declaration on Human Rights: The Situation of Human Rights and Fundamental Freedoms of the Aboriginal and Torres Strait Islander People of Australia", organized by the Foundation for Aboriginal and Islander Research Action in Canberra from 3 to 5 December 2008. During the visit the Special Rapporteur had the opportunity to meet informally with various governmental representatives, marking the beginning of a constructive dialogue in preparation for his mission in August 2009.

24. An important component of efforts to build good practices at the domestic level is a policy of commitment to advance the rights of indigenous peoples in accordance with the United Nations Declaration. As noted, in 2009, Australia officially endorsed the Declaration and Colombia expressed its support for the Declaration. In his future work, the Special Rapporteur will continue to promote positive developments. The Special Rapporteur reiterates his willingness to offer constructive technical and advisory assistance to Governments, companies, indigenous peoples and other stakeholders, where needed, in their efforts to establish legal, administrative and programmatic initiatives and reforms in indigenous matters. The work of the Special Rapporteur in this regard will be oriented in practical terms and aimed at identifying and promoting models that can be applied in various contexts. The Special Rapporteur foresees detailing these models, where they exist and have been successful, in his subsequent reports to the General Assembly and to the Human Rights Council as well as in other public reports.

B. Thematic studies

25. A second area of the Special Rapporteur's work, which is intended to contribute to good practices in specific country situations, involves conducting or participating in studies on issues or themes that are of interest to indigenous peoples in all regions of the world. The former Special Rapporteur carried out a number of thematic studies to identify major issues and to provide a foundation for subsequent positive practical action and reform, including on the impacts of development projects on indigenous communities, the implementation of domestic laws and international standards to protect indigenous rights, indigenous peoples and the education system, the relationship between formal State law and customary indigenous law and international norms concerning indigenous peoples.

26. However, taking into consideration the establishment of the expert mechanism on the rights of indigenous peoples, with a mandate to provide thematic expertise and recommendations to the Human Rights Council on issues affecting indigenous peoples, the Special Rapporteur now sees his own work in carrying out thematic studies as secondary to the other areas of his work. His role, for the most part, will be complementary and supportive of the work of the expert mechanism. In this regard, early in 2009 he provided information, based on his experiences as Special Rapporteur, for the expert mechanism's current study on the right of indigenous peoples to education.

27. In addition, in the interest of further understanding the specific challenges facing indigenous women, the Special Rapporteur participated in a regional consultation on violence against indigenous women in the Asia Pacific region with the former Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk. The regional consultation, which was organized in New Delhi by the Asia Pacific Forum on Women, Law and Development and the Mahila Sarvangeen Utkarsha Mandal development group, was followed by a national consultation from 14 to 18 October 2008. Participants in the consultations, many of them indigenous women from the region, identified key recurring issues contributing to violence, including discriminatory acts against indigenous women in the following areas: economic globalization; militarization and armed conflict; and culture, tradition and religion and their intersectional impacts on the lives of indigenous women. The discussions with the two Special Rapporteurs were focused on identifying effective strategies and mechanisms for addressing multiple forms of violence against indigenous women at the national, regional and international levels and on learning from good practices. The consultations culminated in a report entitled "Defending the Rights of Indigenous Women in the Asia Pacific: Towards an Inclusive and Violence-Free Future".

28. The Special Rapporteur is also collaborating with non-governmental organizations and indigenous experts on two initiatives related to two thematic areas of recurrent concern to indigenous peoples. One is a seminar, organized by the non-governmental organization Khredda and the United Nations Educational, Scientific and Cultural Organization (UNESCO) Centre of Catalonia, which is to take place in October 2009, on dispute resolution mechanisms with regard to extractive industries operating or seeking to operate within indigenous territories. The seminar and its outcome report correspond to a recommendation made last year by the Permanent Forum that the Special Rapporteur carry out a study on transnational corporations, and the seminar is intended to complement the Permanent Forum's own work on this subject. The second initiative is a multifaceted study on legal pluralism and indigenous customary law, to be carried out in collaboration with the International Council on Human Rights Policy and OHCHR. This study is likely to begin with a workshop at the University of Arizona, some time next year.

C. Country reports

29. A third area of the Special Rapporteur's work involves investigating and reporting on the overall human rights situations of indigenous peoples in selected countries. The reports of the country situations include conclusions and recommendations aimed at strengthening good practices, identifying areas of

concern and improving the human rights conditions of indigenous peoples. The reporting process typically involves a visit to the countries under review, including to the capital and selected places of concern within the country, during which the Special Rapporteur interacts with Government representatives, indigenous communities from different regions and a cross section of civil society actors working on issues relevant to indigenous peoples. In accordance with the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council (see HRC resolution 5/2), these visits can only take place with Government consent and cooperation.

30. Since beginning his mandate, the Special Rapporteur has visited Brazil,[4] Nepal,[5] Botswana,[6] and Australia to report on those countries, and he has conducted follow-up visits to Chile[7] and Colombia to evaluate their progress in implementing the recommendations in the reports of his predecessor. In addition, the Special Rapporteur will be visiting the Russian Federation in October 2009 and has received positive indications from the Republic of the Congo for a forthcoming visit. The Special Rapporteur has outstanding requests for visits to India and Indonesia, which he hopes will be considered favourably in the near future.

D. Cases of alleged human rights violations

31. Finally, the fourth and perhaps principal area of the Special Rapporteur's work involves responding, on an ongoing basis, to specific cases of alleged human rights violations.[8] A fundamental aspect of the mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, as reaffirmed by the Human Rights Council, is "to gather, request, receive and exchange information and communications from all relevant sources, including Governments, indigenous people and their communities and organizations, on alleged violations of their human rights and fundamental freedoms" (resolution 6/12, para. 1 (b)). The Special Rapporteur has placed special emphasis on his mandate "to develop a regular cooperative dialogue with all relevant actors" (resolution 6/12, para. 1 (f)) by developing ongoing long-term strategies for all the work he undertakes to address alleged violations of the human rights of indigenous peoples.

32. The Special Rapporteur's ability to address specific situations of alleged violations relies, to a large extent, on the information provided to him by indigenous peoples and their organizations, non-governmental organizations and other sources. Over the past year, the Special Rapporteur has received information about cases of alleged human rights violations in countries worldwide and, in response, has sent numerous communications to Governments about these situations. These cases involve, inter alia, infringements of the right to free, prior and informed consent, especially in relation to natural resource extraction and displacement or removal of

[4] A/HRC/12/34/Add.2.
[5] A/HRC/12/34/Add.3.
[6] A/HRC/12/34/Add.4.
[7] A/HRC/12/34/Add.6.
[8] A complete summary of communications sent, responses received from Governments and observations of the Special Rapporteur can be found in the reports presented to the Human Rights Council; see A/HRC/9/9/Add.1 and Corr.1 and A/HRC/12/34/Add.1.

indigenous communities; denial of the rights of indigenous peoples to lands and resources; the situation of indigenous peoples in voluntary isolation; incidents of threats or violence against indigenous peoples and individuals, including defenders of indigenous rights; and concerns about constitutional or legislative reforms on indigenous issues.

33. Given the limited resources available, it is impossible for the Special Rapporteur to respond to every case that comes to his attention. However, in general, he does his best to act on detailed and credible information that presents a serious situation falling within his mandate in which intervention has a reasonable chance of having a positive impact, either by drawing needed attention to the situation or by prompting Government authorities or other actors to take corrective action. Alternatively, the Special Rapporteur may take action where the situation is representative of, or connected to, a broader pattern of human rights violations against indigenous peoples. The Special Rapporteur has been careful to respond to allegations of human rights violations from a wide range of regions and countries.

34. The usual first step in taking action on such information is to write a letter to the Government concerned, along with a request that the Government respond. In some cases, the Special Rapporteur has issued public statements calling attention to, or expressing concern over, the human rights violations alleged. If circumstances warrant it and the Government concerned consents, the Special Rapporteur may conduct a country visit to examine a specific situation, as he did to examine the situation of the indigenous communities that are affected by the construction of a hydroelectric project on the Changuinola River in Panama,[9] and to examine the human rights issues surrounding the confrontations between indigenous peoples and the police in Bagua, Peru.[10] In addition, as he has done with regard to the situations examined in those two countries and expects to do in future cases, he may issue detailed observations with analyses and recommendations, in the hope that they will be of use to the Governments and indigenous peoples concerned in their efforts to address the problems raised.

35. In some cases, the Special Rapporteur is invited to participate in an activity at which information regarding alleged human rights violations of indigenous peoples is brought to his attention. Between 9 and 11 December 2008, the Special Rapporteur attended a consultation in Minnesota, the United States, regarding the exhumation of Hmong graves at Wat Tham Krabok, Thailand, and heard from families affected by the exhumations who now live in Minnesota. The information provided to the Special Rapporteur was the subject of a communication sent to the Government of Thailand on 10 March 2008.[11]

36. The Special Rapporteur is aiming to avoid the "revolving door" approach of simply sending a communication and receiving a response from the Government concerned, but rather to engage actively with States, indigenous peoples and other actors to closely monitor and evaluate situations, identify underlying causes of immediate problems, promote specific action that builds on advances already made and develop recommendations that are practical, well founded in available knowledge and in accordance with relevant human rights standards. Accordingly, the rights afforded to indigenous peoples in the United Nations Declaration form the

[9] A/HRC/12/34/Add.5.
[10] A/HRC/12/34/Add.8.
[11] A/HRC/12/34/Add.1.

basis of the dialogue with Governments that the Special Rapporteur initiates or maintains concerning alleged human rights violations.

IV. Declaration on the Rights of Indigenous Peoples

37. As noted, in its resolution 6/12 the Human Rights Council directed the Special Rapporteur to "promote the United Nations Declaration on the Rights of Indigenous Peoples and international instruments relevant to the advancement of the rights of indigenous peoples, where appropriate" (para. 1 (g)), thus providing a clear normative framework for his work. The Special Rapporteur is mandated to work cooperatively with States, indigenous peoples, United Nations and regional bodies and non-governmental organizations and to pay particular attention to both the obstacles preventing full enjoyment of indigenous peoples' human rights and to best practices in overcoming these obstacles. This spirit of respect, cooperation and mutual understanding underlines the role of the Special Rapporteur in finding effective ways to fully realize the rights of indigenous peoples, which are affirmed in the United Nations Declaration, and in contributing to a better understanding — by all parties involved, and with their cooperation — of the legal, political, economic and institutional implications of the international recognition of the rights of indigenous peoples, and the implementation of the rights associated with such recognition.

38. The rights set forth in the United Nations Declaration serve as a platform for the cooperative manner in which the Special Rapporteur carries out his work, inform his collaboration with the United Nations mechanisms with which he engages and form the core of his concerted involvement with States, indigenous peoples' organizations and civil society partners. Underscoring the central role the document plays in the promotion of the rights of indigenous peoples, the present section includes a brief discussion of the adoption of the United Nations Declaration, its general character and content and the operationalization of the rights set out in the Declaration by components of the United Nations system, States, indigenous peoples and their organizations and civil society partners.

A. Adoption

39. During the last three decades, the demands for recognition of indigenous peoples across the world have led to the gradual emergence of a common body of opinion regarding the content of the rights of these peoples on the basis of long-standing principles of international human rights law and policy. This common normative understanding has been promoted by international and regional standard-setting processes; by the practice of international human rights bodies, mechanisms and specialized agencies; and by a significant number of international conferences and expert meetings. Furthermore, the emergence of this common understanding has been increasingly reflected in and supported by State practice and constitutional, legislative and institutional reforms at the domestic level. The Declaration on the Rights of Indigenous Peoples is the most important of these developments globally, encapsulating the widely shared understanding about the rights of indigenous peoples that has been building over decades on a foundation of previously existing sources of international human rights law.

40. The protracted negotiations that stretched over two and a half decades and ended with the adoption of the United Nations Declaration on 13 September 2007 engaged States, indigenous peoples and independent experts in an extended multilateral discussion that was central to the emergence, internationally, of a common body of opinion on the rights of indigenous peoples. Notably, while influenced by discussions within the United Nations around the initiative to develop an indigenous rights declaration, the development of ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries, building on the rights set forth in its predecessor ILO Convention (No. 107) of 1957, contributed, in turn, to the process that finally led to the adoption of the Declaration.

41. The General Assembly adopted the United Nations Declaration in its resolution 61/295 by an overwhelming majority of Member States: 143 voting in favour, 4 against and 11 abstaining. While the explanatory statements of the four States that voted against the adoption of the Declaration (Australia, Canada, New Zealand and the United States) showed disagreement with the wording of specific articles or concerns with the process of adoption, they also expressed a general acceptance of the core principles and values that it advanced.

42. Despite its initial vote, in 2009 Australia officially endorsed the Declaration and, in a widely circulated statement, committed to fully implement the standards contained therein. This is a welcome development in Australia's policies towards indigenous peoples, which the Special Rapporteur noted in a press release issued jointly with the Chairpersons of the expert mechanism and the Permanent Forum in April 2009. Colombia, which had abstained in the vote on the Declaration, sent a letter, through the Deputy Minister of Multinational Affairs, to the United Nations High Commissioner for Human Rights on 20 April 2009 expressing its support for the Declaration and the principles contained therein and subscribing to the concepts of equality, respect for diversity and non-discrimination that constitute the foundation of the Declaration. It is hoped that States which abstained or voted against adoption may take similar stances.

B. General content and character

43. The basic normative justification of the Declaration is stated in the sixth preambular paragraph, which states that "indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests". The Declaration's preamble thus stresses the essentially remedial purpose of the instrument. Far from affirming special rights per se, the Declaration aims at repairing the ongoing consequences of the historical denial of the right to self-determination and other basic human rights affirmed in international instruments of general applicability.

44. The Declaration affirms, in article 3, the right of indigenous peoples to self determination, in terms that restate the common provisions of article 1 of the two 1966 international human rights covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Reflecting the state of contemporary international law in relation to this principle as well as the demands of indigenous peoples themselves, the affirmation

of self determination in the Declaration is deemed compatible with the principle of territorial integrality and political unity of sovereign and independent States.[12]

45. On these grounds, the Declaration provides a detailed list of norms that constitute "the minimum standards for the survival, dignity and well-being of indigenous peoples of the world" (article 43). The Declaration reaffirms basic individual rights to equality and non-discrimination, life and personal integrity and freedom, and nationality and access to justice; and it calls for special attention to specific rights and needs of indigenous elders, women, youth, children and persons with disabilities.[13] At the same time, the Declaration affirms rights of a collective character in relation to self-government and autonomous political, legal, social and cultural institutions; cultural integrity, including cultural and spiritual objects, languages and other cultural expressions; lands, territories and natural resources; social services and development; treaties, agreements and other constructive arrangements; and cross-border cooperation.

46. Together with affirming the aspects of self-determination related to maintaining spheres of autonomy, the Declaration also reflects the common understanding that indigenous peoples' self-determination simultaneously involves a participatory engagement and interaction with the larger societal structures in the countries in which they live. In this connection, the Declaration affirms indigenous peoples' right "to participate fully, if they so choose, in the political, economic, social and cultural life of the State";[14] and to be consulted in relation to decisions affecting them, with the objective of obtaining their prior, free and informed consent.[15]

47. The Declaration does not affirm or create special rights separate from the fundamental human rights that are deemed of universal application, but rather elaborates upon these fundamental rights in the specific cultural, historical, social and economic circumstances of indigenous peoples. These include the basic norms of equality and non-discrimination, as well as other generally applicable human rights in areas such as culture, health or property, which are recognized in other international instruments and are universally applicable.

48. While clearly not binding in the same way that a treaty is, the Declaration relates to already existing human rights obligations of States, as demonstrated by the work of United Nations treaty bodies and other human rights mechanisms. It can therefore be seen as embodying, to some extent, general principles of international human rights law. In addition, insofar as they connect with a pattern of consistent international and State practice, some aspects of the provisions of the Declaration can also be considered as reflecting norms of customary international law.[16] In any event, as a resolution adopted by the General Assembly with the approval of an

[12] Article 46 (1).

[13] Article 22 (1).

[14] Article 5. See also article 18 (affirming the right to participate in "the decision-making in matters which would affect their rights").

[15] Article 19 ("States shall consult and cooperate in good faith with the indigenous peoples concerned ... in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them"). For an analysis of the principle of free, prior and informed consent, see observations concerning Ecuador (A/HRC/9/9/Add.1 and Corr.1).

[16] See S. James Anaya and Siegfried Wiessner, "The UN Declaration on the Rights of Indigenous Peoples: Towards Re-empowerment", *Jurist* (3 October 2007).

overwhelming majority of Member States, the Declaration represents a commitment on the part of the United Nations and Member States to its provisions, within the framework of the obligations established by the Charter of the United Nations, to promote and protect human rights on a non-discriminatory basis.

49. The United Nations Declaration reflects the existing international consensus regarding the individual and collective rights of indigenous peoples in a way that is coherent with, and expands upon, the provisions of ILO Convention No. 169, as well as with other developments, including the interpretations of other human rights instruments by international bodies and mechanisms. As the most authoritative expression of this consensus, the Declaration provides a framework of action towards the full protection and implementation of these rights.

C. Mechanisms for operationalization

1. Cooperation among the components of the United Nations system[17]

50. Implementing the Declaration is a joint task that pertains specially to United Nations human rights bodies, mechanisms, and specialized agencies, including but not limited to those with a particular mandate regarding the rights of indigenous peoples, as well as to the various United Nations programmes which in some way touch upon indigenous issues. With a view to assigning the role of implementing the rights set forth in the Declaration, article 42 underlines the role of United Nations bodies and specialized agencies, calling on them to "promote respect for and full applications of the provisions" of the Declaration and provide "follow-up" for its effective application. Article 41 of the Declaration explicitly calls upon the organs and specialized agencies of the United Nations system "to contribute to the full realization" of the Declaration, including, inter alia, through the mobilization of "financial cooperation and technical assistance".

51. The mandate of the Special Rapporteur, entrusts the mandate-holder with the responsibility of promoting the Declaration and other relevant international instruments related to the rights of indigenous peoples in relation to other entities of the United Nations system at the global, regional and national levels. As highlighted above, the Special Rapporteur fully acknowledges the need for close cooperation and partnership with the Permanent Forum and the expert mechanism, as well as with the United Nations Secretariat, its regional presences and the specialized agencies, with a view to working together in the important task of promoting the implementation of the rights affirmed in the Declaration. The Special Rapporteur is sincerely committed to this task as part of his forthcoming activities and this cooperation guides his engagement with States, indigenous peoples' organizations and other civil society partners.

2. Central role of States

52. In the seventh preambular paragraph, the Declaration emphasizes the "urgent need to respect and promote the inherent rights of indigenous peoples". Like any other human rights instrument, the Declaration confers a pivotal role to State actors

[17] For a more detailed discussion of the role of the United Nations in upholding and operationalizing the rights set forth in the United Nations Declaration on the Rights of Indigenous Peoples, see A/HRC/9/9, paras. 60-73.

in the promotion and protection of the rights affirmed therein. The central role of the State is further reinforced by the essentially reparative orientation of the instrument, which requires States to take affirmative measures to attack the systemic problems that indigenous peoples face in the enjoyment of their human rights in ways that are consistent with their specific cultural characteristics and their own expressed wishes.

53. The Declaration requires that "States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration" (article 38). This general mandate is further elaborated on in other provisions, with specific affirmative measures required from States in connection with almost all the rights affirmed in the Declaration.

54. The kind of State action required to operationalize the rights affirmed in the Declaration thus entails an ambitious programme of legal and policy reform, institutional action and reparations for past wrongs, involving a myriad of State actors within their respective spheres of competence. The former chair of the Working Group on Indigenous Populations, Ms. Erica-Irene Daes, described this process as "belated State-building", a process "through which indigenous peoples are able to join with all the other peoples that make up the State on mutually agreed upon and just terms, after many years of isolation and exclusion".[18] This spirit of cooperation and mutual understanding between States and indigenous peoples is a theme throughout the Declaration, including in the provision that underlines the value of historical and modern treaties or compacts as mechanisms to advance relations of cooperation between indigenous peoples and States (article 37).

55. Together with the call for specific State action, articles 4 and 39 of the Declaration jointly call upon States to provide financial and technical support for the operation of indigenous self-governance institutions, without prejudice to the support provided through international cooperation. The need for such support naturally follows from the effective recognition of indigenous peoples' self-governing or autonomous systems, which necessarily connect to the wider political and institutional structures of the countries in which these peoples live. In addition, this State support helps empower indigenous peoples in their autonomous management and provision of social services, such as in the area of education, which also contributes to the fulfilment of the States' general obligations with regard to the economic, social and cultural rights of citizens.

56. Implementing the Declaration will normally require or may be facilitated by the adoption of new laws or the amendment of existing legislation at the domestic level, as envisaged by article 38 of the Declaration, which calls for appropriate "legislative measures". Also normally required will be new regulatory frameworks, which in most countries are still lacking or are insufficient. It is important to note that the legal and institutional transformations required by the Declaration are usually not sufficiently addressed solely by enacting specific "indigenous laws", as many States have done, but rather will normally also involve the transformation of broader legal structures in key areas. Domestic courts play a key role in operationalizing the rights of indigenous peoples as affirmed in international

[18] Erica-Irene A. Daes, "Some Considerations on the Right of Indigenous Peoples to Self-Determination", 3 *Transn'l L. & Contemp. Probs.* 1, 9 (1993).

standards. Even if not empowered to directly apply the Declaration, domestic courts may and should use the Declaration as an interpretive guide in applying provisions of domestic law.

57. But legal recognition and judicial action are only potential preconditions for operationalizing indigenous peoples' rights under the Declaration, at the local level. The former Special Rapporteur noted that recent processes of constitutional and legal reform in various countries have not necessarily led to actual changes in the daily lives of indigenous peoples and that an "implementation gap" continues to exist between "legislation and the day-to-day reality".[19] Bridging this gap requires the concerted, goal-oriented action of a myriad of governmental actors within the scope of their respective fields of competence and involves a mixture of political will, legal reform, technical capacity and financial commitment.

3. Indigenous peoples

58. The objective stated in the eighteenth preambular paragraph of the Declaration of enhancing "harmonious and cooperative relations between the State and indigenous peoples" involves indigenous communities, authorities and organizations as fundamental actors in realizing the rights affirmed in this instrument. The Declaration's affirmation of the right to self-determination and extension of that right into the different spheres of indigenous life requires positive engagement, in a spirit of partnership, by both States and indigenous peoples, without which the Declaration would never be effective.

59. Therefore, wide affirmation of the rights of indigenous peoples in the Declaration does not only create positive obligations for States, but also bestows important responsibilities upon the rights-holders themselves. This interaction between the affirmation of rights and the assumption of responsibilities is particularly crucial in areas in which the Declaration affirms for indigenous peoples a large degree of autonomy in managing their internal and local affairs. Positive action by indigenous peoples' organizations is required, by definition, for the exercise of their rights to maintain and develop institutions and mechanisms of self-governance. The Declaration simultaneously acknowledges the economic implications of indigenous self-government or autonomy, affirming indigenous peoples' rights to State financial and technical assistance and international cooperation in order to exercise their rights and fulfil their responsibilities in this regard (articles 4 and 39).

60. Notably, indigenous peoples are called upon to exercise responsibilities for the preservation, exercise and development of their cultural heritage and expressions.[20] The Declaration further acknowledges indigenous peoples' intergenerational responsibilities, including environmental stewardship, with regard to their traditional lands, territories and resources (articles 25 and 29).

61. The implementation of the Declaration by indigenous peoples may also require them to develop or revise their own institutions, traditions or customs through their own decision-making procedures. The Declaration recalls that the functioning of

[19] E/CN.4/2006/78, para. 5.

[20] Article 12, para. 1 (right to indigenous spiritual and religious traditions); article 13, para. 1 (right to their languages, literature and philosophies); article 31, para. 1 (right to their traditional knowledge and technologies).

indigenous institutions should be "in accordance with international human rights standards" (article 34) and calls for particular attention "to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities", including in the elimination of all forms of discrimination and violence against indigenous children and women (article 22). With an appropriate understanding of these provisions, the Declaration is a powerful tool in the hands of indigenous peoples to mainstream human rights within their respective societies in ways that are respectful to their cultures and values.

4. Civil society

62. The kind of systemic changes required to operationalize the Declaration at the local level cannot be ultimately achieved without the involvement of society at large and the engagement of social sectors such as the educational system, the media, the arts, religious groups and the business community. Societal involvement is a prerequisite for eliminating entrenched discrimination and prejudices against indigenous peoples, particularly in the fields of education, culture and information. In this regard, the Declaration mandates that indigenous peoples' "cultures, traditions, histories and aspirations ... shall be appropriately reflected in education and public information" (article 15, para. 1), which is further extended to "privately owned media" (article 16, para. 2). The respect for indigenous peoples' cultural property and traditional knowledge further touches upon the activities of other societal actors, including churches, academic and research institutions, and museums.

63. In view of their impacts on the activities and daily life of indigenous peoples, local and transnational business enterprises also have an important responsibility to respect and promote the rights and principles of the Declaration. This is particularly relevant in relation to the guarantees set forth in article 32 of the Declaration regarding development or resource extraction projects affecting indigenous territories. In this connection, the Permanent Forum has called upon transnational corporations to respect the standards affirmed in the Declaration.[21]

64. In the recent past, a number of local and international non-governmental organizations have played a central role in specifically supporting indigenous peoples' demands and promoting the respect for their rights, for which they should be credited. They should be now seen as key actors in disseminating the content of the Declaration and in facilitating a constructive dialogue among States, indigenous peoples and other relevant stakeholders in order to promote its implementation. Some of these organizations are already engaged in such activities, which should be supported by States and the donor community at large.

V. Conclusions and recommendations

A. Cooperation with other mechanisms and bodies

65. **Coordination with the Permanent Forum on Indigenous Peoples and the expert mechanism on the rights of indigenous peoples is an important aspect of the implementation of the mandate of the Special Rapporteur. The respective**

[21] E/2008/43-E/C.19/2008/13, para. 26.

mandates of those three mechanisms, which were created at different times and in response to different moments in the international movement to protect the rights of indigenous peoples, are complementary but also overlapping in certain ways. Ongoing efforts at coordination among the three mechanisms should be strengthened and consolidated into a permanent feature of their work, both jointly and separately.

66. Likewise, the Special Rapporteur welcomes opportunities for his cooperation with agencies and programmes throughout the United Nations system, as well as with regional and specialized institutions. This cooperation should continue in order to promote awareness of indigenous issues and programmatic action that is conducive to mainstreaming those issues and to effectively implementing standards of indigenous rights as affirmed in relevant international instruments.

B. Areas of work

67. The Special Rapporteur's work pursuant to his mandate falls within four interrelated and mutually reinforcing areas: promoting good practices; thematic studies; country reports; and cases of alleged human rights violations, with the latter category being the one that has required the greatest amount of attention on an ongoing basis. The Special Rapporteur is grateful for the cooperation received from several States, indigenous peoples and others in all aspects of his work. He urges States that have not responded to his communications of alleged human rights violations to do so, and urges States which have not responded to requests for country visits to respond positively.

C. Operationalization of the rights set out in the United Nations Declaration

68. The United Nations Declaration on the Rights of Indigenous Peoples represents an authoritative common understanding, at the global level, of the minimum content of the rights of indigenous peoples, upon a foundation of various sources of international human rights law. The product of a protracted drafting process involving the demands voiced by indigenous peoples themselves, the Declaration reflects and builds upon human rights norms of general applicability, as interpreted and applied by United Nations and regional treaty bodies, as well as on the standards advanced by ILO Convention No. 169 and other relevant instruments and processes.

69. Accordingly, the Declaration does not attempt to bestow indigenous peoples with a set of special or new human rights, but rather provides a contextualized elaboration of general human rights principles and rights as they relate to the specific historical, cultural and social circumstances of indigenous peoples. The standards affirmed in the Declaration share an essentially remedial character, seeking to redress the systemic obstacles and discrimination that indigenous peoples have faced in their enjoyment of basic human rights. From this perspective, the standards of the Declaration connect to existing State obligations under other human rights instruments.

70. For the Declaration to be fully operative, States must pursue a range of affirmative, special measures that engage the various institutions of law-making and public administration. This involves a complex process of legal and institutional reform, judicial action, specific policies and special reparations procedures. It is a process that requires the full political engagement and financial commitment of States, and which is not free from obstacles and difficulties of all sorts.

71. Governments play a key role in ensuring that different actors involved are aware of the Declaration and sufficiently understand its provisions. Accordingly, the Special Rapporteur encourages and supports the efforts of States to raise awareness and provide technical training to Government officials, members of legislative bodies and of national human rights institutions, judicial authorities and all other relevant actors, including civil society and indigenous peoples themselves, and reiterates his commitment to offer assistance in this regard, where necessary.

72. In carrying out his work, the Special Rapporteur has emphasized that the positive or special measures required to operationalize the Declaration need to reach the existing local institutional arrangements and policy frameworks, which in some cases may have to be reformed to accommodate the particular needs of indigenous peoples, as underlined in the Declaration. This is particularly important in areas, emphasized in the Declaration, in which the realization of indigenous peoples' rights is inextricably connected to general State policies, such as in the areas of natural resources, education, culture and health, and in State development strategies and plans.

73. The United Nations system and special agencies, funds and programmes, including human rights mechanisms with indigenous-specific mandates (such as the Permanent Forum, the expert mechanism and the Special Rapporteur), play a central role in promoting the implementation of the Declaration at the local level. The principles and rights affirmed in the Declaration constitute or add to the normative frameworks for the activities of United Nations human rights institutions as they relate to indigenous peoples, including with regard to development cooperation targeted for the benefit of indigenous peoples and other activities that may in some way affect indigenous interests.

74. In exercising their rights and responsibilities under the Declaration, indigenous peoples themselves can be guided by the normative tenets of the Declaration, acting as promoters of the rights upheld therein in a spirit of cooperation. The Special Rapporteur underscores that positive action by indigenous peoples themselves is by definition required for the exercise of their rights to maintain and develop institutions and mechanisms of self-governance. Pursuant to his mandate, the Special Rapporteur has emphasized the development of a regular, cooperative dialogue with indigenous peoples in carrying out his work.

75. In a related manner, non-governmental actors have a role in the promotion of and respect for the Declaration. As it does for State and international agencies, the Declaration not only provides civil society organizations with a set of clear programmatic priorities in their activities affecting indigenous peoples, but also with a set of guidelines that should regulate the design and implementation of these activities. The Special

Rapporteur encourages the mainstreaming of the rights of indigenous peoples into the activities of civil society partners engaged in the social sectors, including but not limited to the educational system, the media, the arts, religious groups and the business community.